

APPLICATION FOR RETAIL SALES OF FIREWORKS WITHIN THE CITY OF TONGANOXIE

Date of Application: _____

Square footage of Structure: _____

Dates of Operation: June 30th through July 4th
Fireworks may be sold from **8:00 a.m. – 11:00 p.m. only**
All signs, tents and trash must be removed with 48 hours after sale date.

All Applications must be accompanied with:

- Non-refundable permit fee (\$500.00)
- Certificate of Insurance (\$1,000,000.00) with City listed as additional insured
- Tax Clearance from KS Dept of Revenue (785-296-3199) or www.ksrevenue.org
- Copy of KS Retailers' Sales Tax Registration Certificate (785-296-4937) or www.ksrevenue.org/forms.htm

❖ Please note, Ordinance 1358 allows the Fire Chief to institute a burn ban based on, but not limited to, weather, soil conditions and water supply. If a burn ban is instituted during a time in which it is legal to sell fireworks, a firework vendor may apply for a 50% refund of the permit fee. All applications must be approved by City Council prior to issuing a refund.

For a list of rules and regulations see attached:

Code of the City of Tonganoxie, Chapter 7- Article 3. Fireworks

APPLICATION IS MADE BY: ☐ Individual ☐ Partnership ☐ Corporation ☐ Non-profit

ADDRESS/LOCATION REQUESTED: _____

KS STATE SALES TAX # _____ TAX EXEMPT # _____

INDIVIDUAL/ORGANIZATION/BUSINESS _____

MAILING ADDRESS _____

CITY, STATE & ZIP: _____

CONTACT NAME _____ DAYTIME PHONE _____

EVENING PHONE _____ CELL PHONE _____ EMAIL _____

CONTACT NAME _____ DAYTIME PHONE _____

EVENING PHONE _____ CELL PHONE _____ EMAIL _____

I/WE HAVE READ AND AGREE TO ABIDE BY THE RULES AND REGULATIONS AS SET FORTH IN THE CITY CODE OF TONGANOXIE AND CITY ORDINANCES THAT GOVERN THE RETAIL SALES OF FIREWORKS WITHIN THE CITY LIMITS.

OFFICE USE ONLY

APPLICATION REVIEWED AND:

Permit Fee: _____ Date: _____

Permit # _____

Council Acceptance/Denial Date: _____

Tent/Bldg Insp. _____ Date: _____

APPROVED _____ **DENIED** _____

SIGNATURE OF RESPONSIBLE PARTY

DATE

APPROVED BY THE CITY COUNCIL ON THIS _____ *DAY OF* _____

CITY CLERK

FIRE CHIEF – Tentative Approval
Final Inspection after set-up

CODE OF THE CITY OF TONGANOXIE
CHAPTER 7- ARTICLE 3. FIREWORKS
Ordinance No. 675, 751,798, 889, 897, 904, 1009, 1228, 1268, 1303, 1318 & 1358

ARTICLE 3. FIREWORKS

7-301. FIREWORKS DEFINED.

For purposes of this article, the term **fireworks** shall mean those items as defined by the rules and regulations of the Kansas state fire marshal, and shall include but not be limited to: firecrackers, torpedoes, sparklers, Roman candles, sky rockets, pin wheels, cap or toy pistols (except such pistols or any like device designed to discharge paper caps containing not more than .25 grains of explosive mixture), canes, bombs, cannons or other like devices and all classes of **fireworks** that may be shot into the air or propelled over the ground by explosive discharges or any device using blank cartridges. (Ord. 675, Sec. 2; Code 2004)

7-302. FIREWORKS PROHIBITED.

(a) Except as provided in sections [7-303](#):306; it shall be unlawful for any person to keep, store, display for sale, fire, discharge or explode any **fireworks**.

(b) Nothing in this article shall be construed as applying to:

- (1) Toy paper caps containing not more than .25 of a grain of explosive composition per cap;
- (2) The manufacture, storage, sale or authorized use of signals necessary for the safe operation of railroads or other classes of public or private transportation;
- (3) The military or naval forces of the United States or of this state while in the performance of official duty;
- (4) Law enforcement officers while in the performance of official duty; or
- (5) The sale or use of blank cartridges for ceremonial, theatrical or athletic events.

(Code 2004)

7-303. SAME: EXCEPTIONS; DISCHARGES.

(a) Section [7-302](#) shall not apply to the firing or discharge of **fireworks** in the city between the hours of 8:00 a.m. and 11:00 p.m. on June 30th, July 1st, July 2nd, July 3rd and July 4th of each year or as authorized by the governing body.

(b) The governing body of the city may, in its discretion, grant permission at any time for the public display of **fireworks** by responsible individuals or organizations when such display or displays shall be of

such a character and so located, discharged and fired as shall not be a fire hazard or endanger persons or surrounding property.

(c) It shall be unlawful for any person, firm or corporation to give any public display of **fireworks** without having first obtained a permit therefor.

(Ord. 1321)

7-304. SAME: EXCEPTION; SALE OF FIREWORKS.

Any person who has first obtained a valid permit to sell **fireworks** within the city may do so between the hours of 8:00 a.m. and 11:00 p.m. on June 30th, July 1st, July 2nd, July 3rd and July 4th of each year and except as otherwise stated, it shall be unlawful to sell **fireworks** at any other time. (Ord. 1268)

7-305. PERMIT FOR SALE OF FIREWORKS REQUIRED; FEE; ISSUANCE.

(a) It shall be unlawful for any person to sell, display for sale, offer to sell or give away any type of **fireworks** within the city without first paying a fee of \$500 per establishment or premises to the city clerk. The application shall be approved by the fire chief before the license shall be issued.

(b) No permit shall be issued for any location where retail sales are not permitted under the zoning laws. Prior to the issuance of the permit, an inspection will be made of the applicant's facility for compliance with this chapter and other pertinent laws, and no permit shall be issued for any premises not in compliance with such laws. Upon qualifying for the permit, the permittee shall prominently display the permit, the days and hours of the legal discharge of **fireworks**, and the penalties for noncompliance at the establishment or premises where **fireworks** are to be sold or displayed for sale. The permit fee shall not be refundable upon failure to qualify for the permit or withdrawal or cancellation of the application or permit.

(c) No permit shall be approved unless the applicant furnished a certificate of public liability insurance for the display in a minimum amount of \$1,000,000, written by an insurance carrier licensed to do business in Kansas, conditioned as being non-cancelable except by giving 10 days' advance written notice to the city clerk.

(d) No permit shall be approved unless the applicant furnished a tax clearance from the Department of Revenue ensuring prior year sales taxes if owed are paid.

(e) No permit shall be approved unless the applicant provides proof of retail sales tax certificate.

(Ord. 1318)

7-306. PERMIT FOR PUBLIC FIREWORKS DISPLAY REQUIRED.

(a) It shall be unlawful for any person to give or provide a **fireworks** display for the public or for organized groups without first obtaining a permit to do so by making application at least 30 days in advance of the desired display. Approval of the permit shall be by the governing body. In the event of

cancellation of the insurance prior to the display, the permit shall automatically be revoked and void. The application for the permit shall clearly state:

- (1) The name of the applicant.
- (2) The group for which the display is planned.
- (3) The location of the display.
- (4) The date and time of the display.
- (5) The nature or kind of **fireworks** to be used.
- (6) The name of the person, firm or corporation that will make the actual discharge of the **fireworks**.
- (7) Anticipated need for police, fire or other municipal services.

(b) No permit shall be issued if the location, nature of the **fireworks** or other relevant factor is such as to create an undue hazard or risk of harm or damage to persons or property. No permit shall be approved unless the applicant furnishes a certificate of public liability insurance for the display in a minimum amount of \$1,000,000.00, written by an insurance carrier licensed to do business in Kansas, conditioned as being non-cancelable except by giving 10 days advance written notice to the city clerk.

(Ord. 1228)

7-307. APPROVED FIREWORKS; BOTTLE ROCKETS PROHIBITED.

- (a) All **fireworks** offered for sale and discharged within the city shall be of a type that has been tested and approved for sale and use within the state by the state fire marshal.
- (b) Bottle rockets and other similar self-propelled firework or **fireworks** devices consisting of a tube and attached guiding stock or rod shall not be sold or discharged in the city.

(Ord. 675, Secs. 1, 2C; Code 2004)

7-308. DISCHARGE ON STREETS AND PUBLIC PROPERTY PROHIBITED.

It shall be unlawful for any person to discharge, ignite or fire any **fireworks** upon any public street, alley or avenue or in any park or public place within the city unless prior approval from the governing body has been obtained. (Ord. 1228)

7-309. THROWING PROHIBITED.

It shall be unlawful for any person to throw, cast or propel **fireworks** of any kind in the direction of or into the path of any animal, person or group of persons, or from, in the direction of or into any vehicle of any kind. (Code 2004)

7-310. SALE OF FIREWORKS; WHERE PROHIBITED.

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 **fireworks** are in a separate and distinct section or department of the premises.

Where the fire chief deems there is a fire hazard, he or she is hereby authorized to have such hazard abated.

Fireworks to be sold at wholesale shall be stored in a room set aside for the storage of **fireworks** only. Over the entrance to this room shall be posted a sign reading, "**Fireworks** - No Smoking-Keep Open Flames Away." State Fire Marshal Regulation 22-6-2; R.O. 1965, Sec. 12-602.

(Ord. 675, Secs. 2D:E; Code 2004)

7-311. RETAIL DISPLAY OF FIREWORKS.

- (a) All retailers are forbidden to expose **fireworks** where the sun shines through glass on the merchandise displayed, except where such **fireworks** are in the original package.
- (b) 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.
- (c) 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 **fireworks**.

(Ord. 675, Sec. 2G; Code 2004)

7-312. FIRE EXTINGUISHERS REQUIRED.

- (a) Two functioning and approved fire extinguishers must be provided and kept in close proximity to the stock of **fireworks** in all permanent buildings where **fireworks** are stored, sold or displayed for sale.
- (b) Small stands, temporarily erected to be used as a place for storing and selling **fireworks** only, shall have one such fire extinguisher, or in lieu of the fire extinguisher, a pressurized water hose with nozzle end within five feet of the **fireworks** stand.

(Ord. 675, Sec. 2F; Code 2004)

7-313. RESTRICTIONS AS TO GASOLINE INSTALLATIONS.

It shall be unlawful to store, keep, sell, display for sale or discharge any **fireworks** within 50 feet of any gasoline pump, gasoline filling station, gasoline bulk station or any building in which gasoline or volatile liquids are sold in quantities in excess of one gallon, except in stores where cleaners, paints and oils are handled in sealed containers only. (Code 2004)

7-314. AUTHORITY OF FIRE CHIEF.

The chief of the fire department is authorized to seize and confiscate all **fireworks** which may be kept, stored or used in violation of any section of this article, and all of the rules of the state fire marshal. He or she shall dispose of all such **fireworks** as may be directed by the governing body. (Code 2004)

7-315 FIRE HAZARDS.

The fire chief shall make a report to the city clerk stating that due to the weather and/or other conditions that a fire hazard exists in the city and upon presentation to the governing body, and the approval thereof, and notice being given the Tonganoxie Mirror, the official newspaper of the city or a newspaper of general circulation in Leavenworth County, Kansas, that an emergency exists with respect to the sale, use, discharge and possession of **fireworks**, then, upon the happening of such events, within the city limits shall be prohibited. Such notice shall have the effect of prohibiting the discharge of **fireworks** within the city limits until the fire chief shall file a report indicating a fire hazard no longer exists with the city clerk and upon presentation to the governing body, and the approval thereof.

Any person, firm or corporation violating the terms of this section, shall be deemed guilty of a misdemeanor, and shall be fined not less than \$25 and not more than \$250 for each offense.

(Ord. 798, Secs. 3:3A; Code 2004)

7-316 REMOVAL.

All tents, temporary structures, signs and debris shall be removed no later than July 6th, 11:00 p.m.

In the event the permit holder fails to remove such tents, temporary structures, signs or debris the City shall remove and dispose of said items. The cost of such removal or destruction shall be paid by the permit holder. If the costs are not paid with thirty days of submission of a written statement of the costs to the permit holder the costs shall be assessed upon the property for which the permit is issued and shall create a lien thereon. Such lien, including as a part thereof, an allowance for court costs and attorneys fees, may be foreclosed in judicial proceedings in the manner provided or authorized by law or shall be assessed as a special assessment upon the parcel of land on which the permit was issued and the city clerk at the time of certifying other city taxes, shall certify the unpaid portion of the aforesaid costs and the county clerk shall extend the same on the tax rolls against the parcel. (Ord. 1228)

7-317

It shall be unlawful for any person, firm or corporation issued a **fireworks** permit to fail or refuse to remove all tents, temporary structures, signs and debris from the location for which the permit was issued by 11:00 p.m. of July 6th following the issuance of the permit.

Any person, firm or corporation will be subject to a fine of not less than \$100.00 per day and not exceeding \$500.00 per day for tents, temporary structures, signs or debris not removed by the deadline. Each day in which the tents, temporary structures, signs or debris are not removed after the deadline will be considered a separate offense. (Ord. 1228)