

ORDINANCE NO. 439

AN ORDINANCE RELATING TO FIREWORKS IN THE CORPORATE LIMITS OF THE CITY OF WATHENA; PROVIDING FOR THE DISCHARGE OF THE SAME; DEFINING CERTAIN OFFENSES AND PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF; REPEALING SECTION 26 OF ORDINANCE NO. 8 OF THE CITY OF WATHENA AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WATHENA:

SECTION 1. FIREWORKS PROHIBITED. (a) It shall be unlawful for any person, firm or corporation to keep, store, sell, display for sale, offer to sell, give away, fire, discharge or explode any fireworks, as defined by the rules and regulations of the Kansas State Fire Marshall, within the City except as is provided in Section 2 below.

(b) The term "fireworks" shall include without limitation through enumeration, firecrackers, torpedoes, sparklers, Roman candles, sky rockets, pinwheels, cap or toy pistols (except 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.

(c) Regardless of any provisions in this ordinance to the contrary it shall be unlawful for any person, persons, firm or corporation to discharge or cause to be discharged any fireworks which are prohibited for use or sale in the State of Kansas by applicable Federal and State law or regulation.

SECTION 2. EXCEPTION RELATING TO DISCHARGE. (a) It shall be unlawful for any person or persons to fire or discharge any fireworks in the City except between the hours of 8:00 A.M. and 10:00 P.M. on July 4 of each year.

(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 therefore.

(d) It shall be unlawful for any person, firm or corporation to explode or fire any fireworks in or about any motor vehicle or near any animal.

(e) It shall be unlawful for any person, firm or corporation to explode or fire any fireworks within five hundred (500) feet of any person, firm or corporation engaged in the retail sale of gasoline or petroleum products.

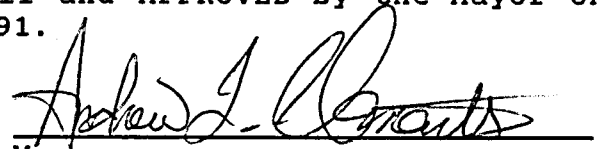
SECTION 3. EMERGENCY BAN RELATING TO DISCHARGE. Notwithstanding any of the provisions contained in this Ordinance to the contrary, there shall be no firing or discharge of any fireworks in the City at any time the Governing Body, in cooperation with the fire department shall, by resolution, determine that weather conditions or local circumstances make such firing and discharge of fireworks hazardous.


SECTION 4. PENALTY. Any person, firm or corporation violating any provision of this Ordinance, shall, upon conviction thereof, be punished by a fine not to exceed Five Hundred and no/100 Dollars (\$500.00).

SECTION 5. EFFECTIVE DATE. This Ordinance shall be in force and take effect from and after its publication in the official City Newspaper.

SECTION 6. REPEALER. Section 26 of Ordinance No. 8 and all other ordinances and parts of ordinances of the City of Wathena in conflict herewith are hereby repealed.

7<sup>th</sup> PASSED by the Council and APPROVED by the Mayor on the day of May, 1991.

  
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Mayor

ATTEST:  
  
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City Clerk

(SEAL)