

HOME RULE RESOLUTION NO. 21-9-2

A HOME RULE RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, RELATING TO AND AMENDING AND RESTATING ARTICLE 2 OF CHAPTER VI OF THE DOUGLAS COUNTY CODE, REGULATING THE USE OF FIREWORKS AND THE ISSUANCE AND CONDITIONS OF PERMITS FOR THE SALE OF FIREWORKS IN THE UNINCORPORATED AREAS OF DOUGLAS COUNTY, KANSAS

WHEREAS, K.S.A. 19-101a, et seq. provides the Board of County Commissioners of Douglas County, Kansas (the "Board") with home rule authority to transact all county business and perform all powers of local legislation and administration it deems appropriate; and

WHEREAS, consistent with its home rule authority, by Resolution HR-05-3-1 the Board has adopted certain regulations restricting the use of fireworks in Douglas County, Kansas (the "County"), which regulations are codified at Article 2 (Fireworks) of Chapter VI (Fire Safety) of the Douglas County Code; and

WHEREAS, the Douglas County Zoning Regulations permit retail sale of fireworks within the unincorporated areas of the County under certain circumstances; and

WHEREAS, the Board has the home rule authority and desires to adopt this Resolution to amend and restate the regulations concerning use and sale of fireworks in the County; and

WHEREAS, the Board has determined that regulations limiting the use and sale of fireworks is in the public interest and will further the public health, safety and welfare by reducing the potential for property damage and personal injury or loss of life due to fire caused by the careless use or sale of fireworks.

NOW THEREFORE, the Board of County Commissioners of Douglas County, Kansas, sitting in regular session this 15th Day of September, 2021, and intending to exercise its powers of home rule legislation pursuant to K.S.A. 19101a, does hereby resolve as follows:

Section 1. Adoption. The following is hereby enacted to amend and restate Article 2 (Fireworks) of Chapter VI (Fire Safety) of the Douglas County Code:

ARTICLE 2. USE AND SALES OF FIREWORKS

6-201 DEFINITIONS.

As used in this Article, unless the context clearly indicates otherwise, the following words and terms have the following meanings:

- (a) Fireworks mean any combustible or deflagrating composition, article, or device suitable for the use of the public for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation and previously approved for transportation by the chemical laboratory of the United States Department of Transportation.
- (b) Fireworks Stand means any permanent or temporary building, trailer, tent, display, awning, canopy, temporary membrane structure, or location from which a Person sells or otherwise distributes Fireworks in the unincorporated areas of Douglas County, Kansas.
- (c) Operator means any Person who sells or otherwise distributes Fireworks or owns, manages or operates a Fireworks Stand
Person means an individual, organizational entity of any type, partnership, church, corporation, limited liability company, trust, association of any type, or any agent, officer, employer, committee, or group of any of the foregoing.
- (d) Sky Lantern an unmanned self-contained luminary device that uses heated air produced by an open flame or produced by another source to become or remain air-borne.

6-202 USE OF FIREWORKS PROHIBITED.

It shall be unlawful to ignite, explode, discharge, or use any Fireworks in the unincorporated area of the County, except as follows:

- (a) Date and Time Limitations. The use of Fireworks shall be allowed only during the following dates and times:
 - July 1 7:00 A.M. to 10:00 P.M.
 - July 2 7:00 A.M. to 10:00 P.M.
 - July 3 7:00 A.M. to Midnight.
 - July 4 7:00 A.M. to Midnight.
- (b) Special Permit. The use of Fireworks may be allowed at dates and times other than those contained in Section 6-202(a) pursuant and strictly in compliance with a permit issued pursuant to Section 6-204 of the Douglas County Code.

- (c) Prohibited Locations. Notwithstanding the provisions of Section 6-202(a), it shall be unlawful to ignite, explode, discharge, or use any Fireworks:
- (1) within 1,000 feet of any hospital, sanitarium or infirmary; or
 - (2) within 100 feet of any Fireworks Stand; or
 - (3) into, under, from, or on a car or vehicle, whether moving or standing still; or
 - (4) on any public roadway or the right-of-way adjoining a public roadway; or
 - (5) on any private property without the express permission and direct supervision of the owner, occupier, or other Person having control of such property; or
 - (6) on any County owned properties, with the exception of designated portions of Lone Star Lake Park and Wells Overlook Park, unless sponsored by the governing body
- (d) Prohibited Fireworks. Notwithstanding the provisions of Section 6202(a), it shall be unlawful to ignite, explode, discharge, or use Fireworks prohibited under the laws of the State of Kansas, with the exception it shall be unlawful to ignite, explode, discharge, or use Fireworks commonly referred to as "bottle rockets" or "sky lanterns" even if otherwise permitted under the laws of the State of Kansas.

6-203 SALE OF FIREWORKS.

It shall be unlawful to sell or otherwise distribute Fireworks at a Fireworks Stand, except as follows:

- (a) Date Limitations. The sale or distribution of Fireworks shall be allowed only on the following dates within the unincorporated areas of Douglas County, Kansas: July 1, July 2, July 3, and July 4.
- (b) Prohibited Fireworks. Sale or other distribution of Fireworks shall be limited to 1.4G or Class "C" Fireworks authorized under the laws of the State of Kansas, with the exception that the sale or other distribution of Fireworks commonly referred to as "bottle rockets" or "sky lanterns" is prohibited.
- (c) Permit Required. The sale or other distribution of Fireworks at a Fireworks Stand shall not be done without obtaining and holding a valid

Fireworks Stand permit, issued by Douglas County Department of Zoning & Codes in accordance with this Article.

- (d) Supervision. A person 18 years of age or older shall be present to supervise the operation of the stand at all times.
- (e) Appropriate Zoning. Fireworks Stands may only be located on, and permits may only be issued for, property as allowed by the Douglas County Zoning Regulations as they exist on the date the permit is granted. As of (April 7, 2021), Fireworks Stands are allowed only in AG-1, AG-2, GB, LI, GI, and BSC Districts.

6-204 PERMIT APPLICATION FOR FIREWORKS STAND.

Applications for a Fireworks Stand permit shall be on forms and according to procedures prepared by the Douglas County Department of Zoning & Codes and shall be accompanied by an application fee as determined by the Zoning and Codes fee schedule. A pre-application is required for Zoning and Codes to issue a situs address on vacant parcels and to review these regulations with the applicant. Applications will not be made available or accepted before April 1st of each year and must be received by the Douglas County Department of Zoning & Codes on or before the close of business on June 7th of that same year. If June 7th is a day on which the office of the Department of Zoning & Codes is closed, the application must be received on or before the close of business on the next succeeding business day after June 7th. Submitted applications shall, at a minimum, contain the following information:

- (a) The name, address, legal description, and phone number of the owner of the real estate upon which the Fireworks Stand is to be operated;
- (b) The name, address, and phone number of the Operator of the Fireworks Stand;
- (c) A copy of the Distributors State of Kansas Fireworks Distribution Permit:
 - (1) Each operator of a temporary retail stand shall maintain a list of what consumer firework items are on the premises, indicating the Kansas licensed distributor from whom those items were purchased. This list shall be provided to law enforcement, the fire department, or the local authority, upon request.
- (d) Proof of liability insurance (a minimum of \$1,000,000 required);
- (e) A detailed site plan of the property on which the Fireworks Stand is to be located, showing the location of the Fireworks Stand; the location of

all buildings, highways and any lines of communication; and the location of the off-street parking area designated for the Fireworks Stand;

- (f) If a sign will be used to advertise the Fireworks Stand, the detailed site plan must show the location and size of the sign; and
- (g) The application shall contain a copy of the Operator's current Kansas Retailers' Sales Tax Registration Certificate.

No permit shall be issued if the Fireworks Stand does not or will not comply with the provisions of this Article. In addition, the Department of Zoning & Codes is authorized to deny a permit to an Operator who has previously failed to comply with Douglas County regulations governing the sale of Fireworks and the operation of a Fireworks Stand.

6-205 FIREWORKS STAND REQUIREMENTS.

All Fireworks Stands shall be subject to and operate in compliance with the following minimum requirements:

- (a) Compliance with the Law. The tract of real estate on which the Fireworks Stand is located, and any and all buildings thereon (whether or not the buildings are actually used in connection with the Fireworks Stand), shall not be found to be in active violation of any of the County's zoning, site-planning, building, plumbing, mechanical or electrical codes on or before the application for the permit is submitted. No permit shall be issued for a Fireworks Stand to be located on any real estate if any such violations have been determined on or before the application for the permit is submitted. In addition, any temporary or permanent structure used in connection with the Fireworks Stand shall comply with all applicable building codes relevant to the sale and storage of Fireworks, whether or not found to be in violation on or before the application for the permit is submitted. In addition, each Operator shall comply with all applicable local, state and federal laws and regulations, regardless of whether those legal requirements are specifically referenced herein. Without limiting the foregoing, all electrical systems and equipment, including temporary electrical connections, used in conjunction with the Fireworks Stand shall be installed and used in compliance with the National Electric Code or other applicable electric code, as then adopted and in force in the unincorporated areas of Douglas County, Kansas.
- (b) Distance from Road. All Fireworks Stands shall be located at least 25 feet from any road rights-of-way or highway rights-of-way. Fireworks

Stands must be oriented in a way that does not conflict with road line of sight.

- (c) Distance from Flammable Materials. No Fireworks shall be stored or sold within 100 feet of any source of flame, sparks, or more than one gallon of any explosive, flammable, combustible, or volatile material; provided, however, that the foregoing shall not apply to operable motor vehicles located more than 25 feet away from stored Fireworks or the Fireworks Stand. Generators shall be no closer than 50 feet of any Fireworks or Fireworks Stand.
- (d) Fireworks, Open Flames and Hot Objects. Fireworks, open flames and devices capable of igniting combustible materials shall not be used, discharged or exploded within 100 feet of any Fireworks Stand.
- (e) No Smoking/Alcoholic Beverages. Smoking and alcoholic beverages shall not be permitted within 100 feet of any Fireworks Stand or any adjacent areas where Fireworks are stored, sold or displayed. "FIREWORKS FOR SALE—NO SMOKING" signs shall be conspicuously posted inside and outside of the storage and/or sales location. The Operator shall enforce this provision with respect to all Persons at the Fireworks Stand. Both the Operator and the Person violating this provision may be subject to prosecution pursuant to Section 6-207.
 - (1) If smoking areas are established outside the required 100 feet, smoking receptacles must be provided.
- (f) Use of Awnings, Canopies, Temporary Membrane Structures and Tents. The use of awnings, canopies, temporary membrane structures or tents shall, in addition to all other requirements, comply with the following requirements:
 - (1) Location. No temporary membrane structure, canopy or tent shall be located within twenty 20 feet of property lines, buildings, other temporary membrane structures, tents, awnings, and/or canopies.
 - (2) Permanent Structures. Shall meet all applicable federal, state, and local codes. Compliance with life-safety, fire prevention, structural integrity, and occupancy is required.
 - (3) Flame-retardant Treatments. The sidewalls, drops, and tops of awnings, canopies, temporary membrane structures and tents shall be composed of flame-resistant material or shall be treated with a flame-retardant material. All tents, membranes, structures, sidewalls, curtains, etc. must be flame retardant to

NFPA 701 (this includes a permanently affixed label that identifies size and material type).

- (g) Means of Egress.
 - (1) Location of Exits. Exits shall be spaced at approximately equal intervals around the perimeter of the Fireworks Stand and shall be located such that all points are no more than 75 feet from any exit.
 - (2) Number of Exits. Every Fireworks Stand shall have at least 2 exits.
 - (3) Maintenance of Exits. The required width of exits, aisles and passageways to a public way shall not be less than 48 inches in width. Guide wires and other support members shall not cross a means of egress.
 - (4) Exit Signs. Exit signs shall be installed at required exit doorways and where otherwise necessary to clearly indicate the direction of egress. Exit signs may be no smaller than 8.5" x 11".
- (h) Fire Extinguisher/Telephone. Each Fireworks Stand shall have at least 2 approved and operable fire extinguishers (2A1 OBC minimum) and telephone on site for emergencies at all times. The names and telephone numbers of the principal owner and manager of the Firework Stand shall be legibly written or printed and posted in a visible, unobstructed place viewable from the front door of the establishment. This information shall be kept current so the constituents or general public know whom to contact in case of an emergency. Extinguishers shall be placed in a clearly designated location within the tent site and accompanied by an 8.5" x 11" yellow placard.
- (i) On-Site Security. Any overnight temporary lodging must be identified on the site-plan and requires waste approval from the Lawrence-Douglas County Health Department.
- (j) Posting of Rules. Each Fireworks Stand shall display a 3 foot by 3 foot sign visible to the public advising of the following rules:
 - (1) Fireworks shall only be discharged on private property in the unincorporated areas of Douglas County, Kansas if an adult owner, occupier, or person having control of the property consents to and provides direct supervision of the discharge of fireworks.
 - (2) Fireworks shall not be discharged on any public street or roadway.

(3) Fireworks may be discharged in the unincorporated areas of Douglas County, Kansas only during the following dates and times:

July 1	7:00 A.M. to 10:00 P.M.
July 2	7:00 A.M. to 10:00 P.M.
July 3	7:00 A.M. to Midnight.
July 4	7:00 A.M. to Midnight

(4) No smoking or alcoholic beverages are allowed at the Fireworks Stand.

(5) Violations are punishable by fines and/or confiscation of Fireworks.

(k) Parking. Off street parking must be provided for all employees and customers, which shall be a minimum of 25 feet away from the Fireworks Stand and any Fireworks storage areas. Temporary parking does not need to be on an approved surface, but must be outside of the public right-of-way. Parking areas on grass must be mowed and maintained for the duration of the permit.

(l) Site Preparation. Weeds and grass must be mowed within 100 feet of the Fireworks Stand. Brush, hay, logs, and other flammable materials must be at least 100 feet from the Fireworks Stand. Grass and weeds must be mowed within a 30-foot diameter of any pedestrian path. The site must be mowed and maintained for the duration of the permit.

(m) Temporary Stand Removal. The temporary stand and signs shall be removed on or before July 8th. An extension by the Zoning and Codes office may be permitted with a written request by the applicant. The extension request may be denied if the request is not made in good faith or lacks merit.

(n) Damage Deposit/Bond. Any Fireworks Stand which gains its principle means of ingress/egress by crossing either a public hike or bike path shall post a \$1,000 refundable bond or pay a \$1,000 deposit to ensure that the path is not damaged by the operation. The bond shall be made payable to Douglas County.

(o) Advertising Sign. Only two advertising signs can be erected to advertise each Fireworks Stand, which may be illuminated but shall not be flashing or animated. Neither sign may be larger than 32 sq. ft. Signs must be located in the front of the Fireworks Stand but not on the road or highway rights-of-way, and shall not represent a safety hazard. Sign

size and locations, with dimensions, must be shown on the site plan. No off-site signs are permitted.

- (p) Sales Tax Registration Certificate. The Operator shall conspicuously display its current Kansas Retailers' Sales Tax Registration Certificate at the Fireworks Stand.
- (q) Only Fireworks May Be Sold. Unless applicable zoning regulations and approved site-plans allow the sale of other items at retail, only Fireworks-related items may be sold at Fireworks Stands and sale of other items is strictly prohibited.
- (r) Fireworks Stand Permit. The Operator shall conspicuously display its Fireworks Stand permit at the Fireworks Stand.
- (s) Original Packaging. All Fireworks shall remain in original packaging, unless otherwise permitted pursuant to regulations of the Kansas Fire Marshall.
- (m) Public Notice. The Operator shall send public notice to all property owners in a 1,000-foot radius of the property used for fireworks distribution prior to submitting their application to Zoning and Codes.
 - (1) If the foregoing area includes area within the corporate limits of a city, the list shall include owners of property extending 400 feet into the corporate limits of the city.
 - (2) The list shall be a certified list obtained from the Douglas County Clerk's Office (785-832-5160) and must have been obtained within 30 days of the date the registration is submitted.
 - (3) The applicant shall mail a letter which contains, at a minimum, the information below to the property owners on the list to advise them of the proposed Firework Stand and provide them the opportunity to contact the applicant or the Zoning and Codes Department if they have any questions or concerns.

Notification Language without Firework Display

"Dear Homeowner,

This letter serves to inform you that a Firework Stand located at (a temporary situs address assigned by Zoning and Codes is required) is being permitted with Douglas County Zoning and Codes. The Firework Stand will consist of (brief description of the event and dates). Please contact me at (phone number, email) with any questions regarding

this permitted stand or the Douglas County Zoning and Codes Department at zoning@douglascountyks.org”

Notification Language with Firework Display

“Dear Homeowner,

This letter serves to inform you that a Firework Stand located at (a temporary situs address assigned by Zoning and Codes is required) is being permitted with Douglas County Zoning and Codes. The Firework Stand will consist of (brief description of the event and dates, Description of discharge time and duration). Please contact me at (phone number, email) with any questions regarding this permitted stand or the Douglas County Zoning and Codes Department at zoning@douglascountyks.org”

- (4) A copy of the letter, the property owner list, and certification of the date the letters were mailed to the address on the list shall be submitted as part of the application.

6-206 INSPECTIONS OF FIREWORKS STANDS; REVOCATION OF PERMIT.

One or more inspections of the proposed site for the Fireworks Stand may be required to ensure compliance with this Article prior to or after issuing the permit. Inspections may be made by any Douglas County law enforcement officer, code enforcement officer, or personnel of any applicable fire department. By submitting any application for a Fireworks Stand permit, the applicant shall be deemed to have consented to all such inspections. If the applicant does not own the subject property, the filing of an application shall be deemed to be a representation by the applicant that the applicant has permission of the owner of the land that that the applicant is authorized to consent to such inspection. Any permit previously issued may be revoked or suspended upon notice to the Operator if the Fireworks Stand is not operating in compliance with the provisions of this Article. Upon revocation or suspension of the permit, the Operator of the Fireworks Stand shall immediately cease sale of all Fireworks until the Fireworks Stand is brought into compliance and the permit is reinstated.

6-207 VIOLATIONS, ENFORCEMENT AND PENALITIES.

- (a) Criminal Penalties. Any Person who violates the provisions of this Article shall be guilty of a misdemeanor, punishable by a fine in an amount not

to exceed \$500, confinement in the county jail for a period not to exceed one month, or both.

- (b) Initiation of Proceedings. In addition to any other method of initiating a criminal proceeding under applicable law, criminal proceeding may be initiated for violation of any provision of this Article by making an offense report and serving a uniform complaint and notice to appear upon the accused. The offense report may be forwarded to the district attorney for prosecution.
- (c) Continuing Violation. Each day that any violation occurs shall constitute a separate offense and shall be punishable as a separate violation. Provided, however, that if any person is found guilty of a violation hereunder and it shall appear to the court that the violation complained of is continuing, then in addition to the penalty set forth, the court shall enter such order as it deems appropriate to cause the violation to be abated.
- (d) Confiscation of Fireworks. In addition to the other provisions of this Section, whenever a Douglas County law enforcement officer, code enforcement officer, or personnel of any applicable fire department has probable cause to believe that a person possesses Fireworks with intent to violate the provisions of this Article or has violated the provisions of this Article, the law enforcement officer, code enforcement officer or personnel of the applicable fire department may confiscate Fireworks from such person.

6-208 BURNING BAN.

In the event that the Douglas County Board of County Commissioners has declared a burning ban during the 1st, 2nd, 3rd, and 4th days of July in any year, no Fireworks shall be sold or discharged and no Fireworks Stands may be operated on such days. All permit fees for Firework Stands shall be refunded to the permit applicants.

6-209 PARTIAL INVALIDITY.

If any provision of this Article or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are severable.

6-210 JURISDICTION.

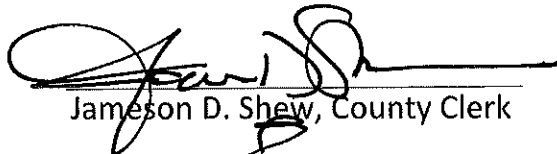
The provisions of this Article shall apply to the unincorporated areas of Douglas County, Kansas.

Section 2. Repeal. Resolutions HR-05-3-1 and HR-07-6-4, as codified at Article 2 (Fireworks) of Chapter VI (Fire Safety) of the Douglas County Code (Sections 6-201 through 6-210) is hereby repealed.

Section 3. Effective Date. This Resolution shall take effect and be in force from and after its adoption and publication once in the official County newspaper.


IN WITNESS WHEREOF, the foregoing Resolution was adopted this 15th day of September, 2021.


ATTEST:


Jameson D. Shew, County Clerk

**Board of County Commissioners of
Douglas County, Kansas:**


Shannon Portillo, Chair


Shannon Reid, Vice-Chair


Patrick Kelly, Member

Affidavit in Proof of Publication

STATE OF KANSAS
Douglas County

(Published in the Lawrence Daily Journal-World on 21st of September, 2021)

HOME RULE RESOLUTION NO. 21-9-2

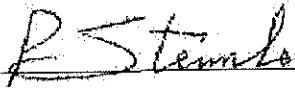
Peter Steimle of the Legal Dept. of the Lawrence Daily Journal-World being first duly sworn, deposes and says:

That this daily newspaper printed in the State of Kansas, and published in and of general circulation in Douglas County, Kansas, with a general paid circulation on a daily basis in Douglas County, Kansas, and that said newspaper is not a trade, religious or fraternal publication, and which newspaper has been admitted to the mails as periodicals class matter in said County, and that a notice of which is hereto attached, was published in the regular and entire issue of the Lawrence Daily Journal-World

Said newspaper is published six days per week, 52 weeks per year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice and been admitted at the post office of Lawrence in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive days/weeks the first publication thereof being made as aforesaid on 09/21/2021 with publications being made on the following dates:

09/21/2021



Subscribed and sworn to before me this 21st day of September, 2021.



Notary Public

My Appointment expires: 8/19/2024

Notary And Affidavit	\$0.00
Additional Copies	\$0.00
Publication Charges	\$3,010.00
	<u>\$3010.00</u>

A HOME RULE RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, RELATING TO AND AMENDING AND RESTATING ARTICLE 2 OF CHAPTER VI OF THE DOUGLAS COUNTY CODE, REGULATING THE USE OF FIREWORKS AND THE ISSUANCE AND CONDITIONS OF PERMITS FOR THE SALE OF FIREWORKS IN THE UNINCORPORATED AREAS OF DOUGLAS COUNTY, KANSAS

WHEREAS, K.S.A. 19-101a, et seq. provides the Board of County Commissioners of Douglas County, Kansas (the "Board") with home rule authority to transact all county business and perform all powers of local legislation and administration it deems appropriate; and WHEREAS, consistent with its home rule authority, by Resolution HR-05-3-1 the Board has adopted certain regulations restricting the use of fireworks in Douglas County, Kansas (the "County"), which regulations are codified at Article 2 (Fireworks) of Chapter VI (Fire Safety) of the Douglas County Code; and WHEREAS, the Douglas County Zoning Regulations permit retail sale of fireworks within the unincorporated areas of the County under certain circumstances; and WHEREAS, the Board has the home rule authority and desires to adopt this Resolution to amend and restate the regulations concerning use and sale of fireworks in the County; and

WHEREAS, the Board has determined that regulations limiting the use and sale of fireworks is in the public interest and will further the public health, safety and welfare by reducing the potential for property damage and personal injury or loss of life due to fire caused by the careless use or sale of fireworks.

NOW THEREFORE, the Board of County Commissioners of Douglas County, Kansas, sitting in regular session this 15th Day of September, 2021, and intending to exercise its powers of home rule legislation pursuant to K.S.A. 19101a, does hereby resolve as follows:

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STATE OF KANSAS
Douglas County

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09/21/2021

[Handwritten signature of Peter Steimle]

Subscribed and sworn to before me this 21st day of September, 2021.

[Handwritten signature of Notary Public]

Notary Public

My Appointment expires: 8/19/2024

Table with 2 columns: Description and Amount. Rows include Notary And Affidavit (\$0.00), Additional Copies (\$0.00), Publication Charges (\$3,010.00), and a total of \$3010.00.

chemical laboratory of the United States Department of Transportation.

(b) Fireworks Stand means any permanent or temporary building, trailer, tent, display, awning, canopy, temporary membrane structure, or location from which a Person sells or otherwise distributes Fireworks in the unincorporated areas of Douglas County, Kansas.

(c) Operator means any Person who sells or otherwise distributes Fireworks or owns, manages or operates a Fireworks Stand

Person means an individual, organizational entity of any type, partnership, church, corporation, limited liability company, trust, association of any type, or any agent, officer, employer, committee, or group of any of the foregoing.

(d) Sky Lantern an unmanned self-contained luminary device that uses heated air produced by an open flame or produced by another source to become or remain air-borne.

6-202 USE OF FIREWORKS PROHIBITED.

It shall be unlawful to ignite, explode, discharge, or use any Fireworks in the unincorporated area of the County, except as follows:

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July 1 7:00 A.M. to 10:00 P.M.

July 2 7:00 A.M. to 10:00 P.M.

July 3 7:00 A.M. to Midnight.

July 4 7:00 A.M. to Midnight.

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(c) Prohibited Locations. Notwithstanding the provisions of Section 6-202(a), it shall be unlawful to ignite, explode, discharge, or use any Fireworks:

(1) within 1,000 feet of any hospital, sanitarium or Infirmary; or

(2) within 100 feet of any Fireworks Stand; or

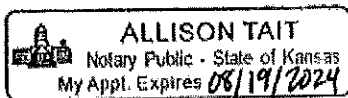
(3) into, under, from, or on a car or vehicle, whether moving or standing still; or

(4) on any public roadway or the right-of-way adjoining a public roadway; or

(5) on any private property without the express permission and direct supervision of the owner, occupier, or other Person having control of such property; or

(6) on any County owned properties, with the exception of designated portions of Lone Star Lake Park and Wells Overlook Park, unless sponsored by the governing body

(d) Prohibited Fireworks. Notwithstanding the provisions of Section 6202(a), it shall be unlawful to ignite, explode, discharge, or use Fireworks prohibited under



Affidavit in Proof of Publication

STATE OF KANSAS
Douglas County

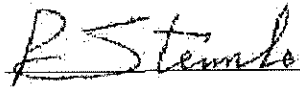
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09/21/2021



Subscribed and sworn to before me this 21st day of September, 2021.



Notary Public

My Appointment expires: 8/19/2024

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the laws of the State of Kansas, with the exception it shall be unlawful to ignite, explode, discharge, or use Fireworks commonly referred to as "bottle rockets" or "sky lanterns" even if otherwise permitted under the laws of the State of Kansas.

6-203 SALE OF FIREWORKS.

It shall be unlawful to sell or otherwise distribute Fireworks at a Fireworks Stand, except as follows:

(a) Date Limitations. The sale or distribution of Fireworks shall be allowed only on the following dates within the unincorporated areas of Douglas County, Kansas: July 1, July 2, July 3, and July 4.

(b) Prohibited Fireworks. Sale or other distribution of Fireworks shall be limited to 1.4G or Class "C" Fireworks authorized under the laws of the State of Kansas, with the exception that the sale or other distribution of Fireworks commonly referred to as "bottle rockets" or "sky lanterns" is prohibited.

(c) Permit Required. The sale or other distribution of Fireworks at a Fireworks Stand shall not be done without obtaining and holding a valid Fireworks Stand permit, issued by Douglas County Department of Zoning & Codes in accordance with this Article.

(d) Supervision. A person 18 years of age or older shall be present to supervise the operation of the stand at all times.

(e) Appropriate Zoning. Fireworks Stands may only be located on, and permits may only be issued for, property as allowed by the Douglas County Zoning Regulations as they exist on the date the permit is granted. As of (April 7, 2021), Fireworks Stands are allowed only in AG-1, AG-2, GB, LI, GI, and BSC Districts.

6-204 PERMIT APPLICATION FOR FIREWORKS STAND.

Applications for a Fireworks Stand permit shall be on forms and according to procedures prepared by the Douglas County Department of Zoning & Codes and shall be accompanied by an application fee as determined by the Zoning and Codes fee schedule. A pre-application is required for Zoning and Codes to issue a situs address on vacant parcels and to review these regulations with the applicant. Applications will not be made available or accepted before April 1st of each year and must be received by the Douglas County Department of Zoning & Codes on or before the close of business on June 7th of that same year. If June 7th is a day on which the office of the Department of Zoning & Codes is closed, the application must be received on or before the close of business on the next succeeding business day after June 7th. Submitted applications shall, at a minimum, contain the following information:

(a) The name, address, legal description, and phone number of the owner of the real estate upon which the



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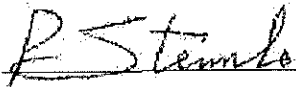
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Fireworks Stand is to be operated;
(b) The name, address, and phone number of the Operator of the Fireworks Stand;
(c) A copy of the Distributors State of Kansas Fireworks Distribution Permit;
(1) Each operator of a temporary retail stand shall maintain a list of what consumer firework items are on the premises, indicating the Kansas licensed distributor from whom those items were purchased. This list shall be provided to law enforcement, the fire department, or the local authority, upon request.
(d) Proof of liability insurance (a minimum of \$1,000,000 required);
(e) A detailed site plan of the property on which the Fireworks Stand is to be located, showing the location of the Fireworks Stand; the location of all buildings, highways and any lines of communication; and the location of the off-street parking area designated for the Fireworks Stand;
(f) If a sign will be used to advertise the Fireworks Stand, the detailed site plan must show the location and size of the sign; and
(g) The application shall contain a copy of the Operator's current Kansas Retailers' Sales Tax Registration Certificate.
No permit shall be issued if the Fireworks Stand does not or will not comply with the provisions of this Article. In addition, the Department of Zoning & Codes is authorized to deny a permit to an Operator who has previously failed to comply with Douglas County regulations governing the sale of Fireworks and the operation of a Fireworks Stand.

6-205 FIREWORKS STAND REQUIREMENTS.

All Fireworks Stands shall be subject to and operate in compliance with the following minimum requirements:

(a) Compliance with the Law. The tract of real estate on which the Fireworks Stand is located, and any and all buildings thereon (whether or not the buildings are actually used in connection with the Fireworks Stand), shall not be found to be in active violation of any of the County's zoning, site-planning, building, plumbing, mechanical or electrical codes on or before the application for the permit is submitted. No permit shall be issued for a Fireworks Stand to be located on any real estate if any such violations have been determined on or before the application for the permit is submitted. In addition, any temporary or permanent structure used in connection with the Fireworks Stand shall comply with all applicable building codes relevant to the sale and storage of Fireworks, whether or not found to be in violation on or before the application for the permit is submitted. In addition, each Operator shall comply with all applicable local, state and federal laws and regulations, regardless of whether those legal requirements are specifically referenced herein. Without limiting the foregoing, all electrical systems and equipment, including temporary



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P. Steimle

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Allison J. Tait

Notary Public

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electrical connections, used in conjunction with the Fireworks Stand shall be installed and used in compliance with the National Electric Code or other applicable electric code, as then adopted and in force in the unincorporated areas of Douglas County, Kansas.

(b) Distance from Road. All Fireworks Stands shall be located at least 25 feet from any road rights-of-way or highway rights-of-way. Fireworks Stands must be oriented in a way that does not conflict with road line of sight.

(c) Distance from Flammable Materials. No Fireworks shall be stored or sold within 100 feet of any source of flame, sparks, or more than one gallon of any explosive, flammable, combustible, or volatile material; provided, however, that the foregoing shall not apply to operable motor vehicles located more than 25 feet away from stored Fireworks or the Fireworks Stand. Generators shall be no closer than 50 feet of any Fireworks or Fireworks Stand.

(d) Fireworks, Open Flames and Hot Objects. Fireworks, open flames and devices capable of igniting combustible materials shall not be used, discharged or exploded within 100 feet of any Fireworks Stand.

(e) No Smoking/Alcoholic Beverages. Smoking and alcoholic beverages shall not be permitted within 100 feet of any Fireworks Stand or any adjacent areas where Fireworks are stored, sold or displayed. "FIREWORKS FOR SALE—NO SMOKING" signs shall be conspicuously posted inside and outside of the storage and/or sales location. The Operator shall enforce this provision with respect to all Persons at the Fireworks Stand. Both the Operator and the Person violating this provision may be subject to prosecution pursuant to Section 6-207.

(f) Use of Awnings, Canopies, Temporary Membrane Structures and Tents. The use of awnings, canopies, temporary membrane structures or tents shall, in addition to all other requirements, comply with the following requirements:

(1) Location. No temporary membrane structure, canopy or tent shall be located within twenty (20) feet of property lines, buildings, other temporary membrane structures, tents, awnings, and/or canopies.

(2) Permanent Structures. Shall meet all applicable federal, state, and local codes. Compliance with life-safety, fire prevention, structural integrity, and occupancy is required.

(3) Flame-retardant Treatments. The sidewalls, drops, and tops of awnings, canopies, temporary membrane structures and tents shall be composed of flame-resistant material or shall be treated with a flame-retardant material. All tents, membranes, structures, sidewalls, curtains, etc. must be flame retardant to NFPA 701 (this includes a permanently affixed label that identifies size and material type).

(g) Means of Egress.

(1) Location of Exits. Exits shall be spaced at approx-



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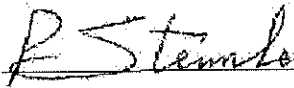
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mately equal intervals around the perimeter of the Fireworks Stand and shall be located such that all points are no more than 75 feet from any exit.

(2) Number of Exits. Every Fireworks Stand shall have at least 2 exits.

(3) Maintenance of Exits. The required width of exits, aisles and passageways to a public way shall not be less than 48 inches in width. Guide wires and other support members shall not cross a means of egress.

(4) Exit Signs. Exit signs shall be installed at required exit doorways and where otherwise necessary to clearly indicate the direction of egress. Exit signs may be no smaller than 8.5" x 11".

(h) Fire Extinguisher/Telephone. Each Fireworks Stand shall have at least 2 approved and operable fire extinguishers (2A1 OBC minimum) and telephone on site for emergencies at all times. The names and telephone numbers of the principal owner and manager of the Firework Stand shall be legibly written or printed and posted in a visible, unobstructed place viewable from the front door of the establishment. This information shall be kept current so the constituents or general public know whom to contact in case of an emergency. Extinguishers shall be placed in a clearly designated location within the tent site and accompanied by an 8.5" x 11" yellow placard.

(i) On-Site Security. Any overnight temporary lodging must be identified on the site-plan and requires waste approval from the Lawrence-Douglas County Health Department.

(j) Posting of Rules. Each Fireworks Stand shall display a 3 foot by 3 foot sign visible to the public advising of the following rules:

(1) Fireworks shall only be discharged on private property in the unincorporated areas of Douglas County, Kansas if an adult owner, occupier, or person having control of the property consents to and provides direct supervision of the discharge of fireworks.

(2) Fireworks shall not be discharged on any public street or roadway.

(3) Fireworks may be discharged in the unincorporated areas of Douglas County, Kansas only during the following dates and times:

July 1	7:00 A.M. to 10:00 P.M.
July 2	7:00 A.M. to 10:00 P.M.
July 3	7:00 A.M. to Midnight.
July 4	7:00 A.M. to Midnight

(4) No smoking or alcoholic beverages are allowed at the Fireworks Stand.

(5) Violations are punishable by fines and/or confiscation of Fireworks.

(k) Parking. Off street parking must be provided for all employees and customers, which shall be a minimum of 25 feet away from the Fireworks Stand and any Fireworks storage areas. Temporary parking does not need to be on an approved surface, but must be outside of the public right-of-way. Parking areas on grass must be mowed and maintained for the duration of the permit.



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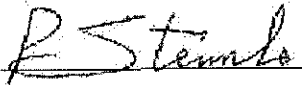
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(l) Site Preparation. Weeds and grass must be mowed within 100 feet of the Fireworks Stand. Brush, hay, logs, and other flammable materials must be at least 100 feet from the Fireworks Stand. Grass and weeds must be mowed within a 30-foot diameter of any pedestrian path. The site must be mowed and maintained for the duration of the permit.

(m) Temporary Stand Removal. The temporary stand and signs shall be removed on or before July 8th. An extension by the Zoning and Codes office may be permitted with a written request by the applicant. The extension request may be denied if the request is not made in good faith or lacks merit.

(n) Damage Deposit/Bond. Any Fireworks Stand which gains its principle means of Ingress/Egress by crossing either a public hike or bike path shall post a \$1,000 refundable bond or pay a \$1,000 deposit to ensure that the path is not damaged by the operation. The bond shall be made payable to Douglas County.

(o) Advertising Sign. Only two advertising signs can be erected to advertise each Fireworks Stand, which may be illuminated but shall not be flashing or animated. Neither sign may be larger than 32 sq. ft. Signs must be located in the front of the Fireworks Stand but not on the road or highway rights-of-way, and shall not represent a safety hazard. Sign size and locations, with dimensions, must be shown on the site plan. No off-site signs are permitted.

(p) Sales Tax Registration Certificate. The Operator shall conspicuously display its current Kansas Retailers' Sales Tax Registration Certificate at the Fireworks Stand.

(q) Only Fireworks May Be Sold. Unless applicable zoning regulations and approved site-plans allow the sale of other items at retail, only Fireworks-related items may be sold at Fireworks Stands and sale of other items is strictly prohibited.

(r) Fireworks Stand Permit. The Operator shall conspicuously display its Fireworks Stand permit at the Fireworks Stand.

(s) Original Packaging. All Fireworks shall remain in original packaging, unless otherwise permitted pursuant to regulations of the Kansas Fire Marshall.

(n) Public Notice. The Operator shall send public notice to all property owners in a 1,000-foot radius of the property used for fireworks distribution prior to submitting their application to Zoning and Codes.

(1) If the foregoing area includes area within the corporate limits of a city, the list shall include owners of property extending 400 feet into the corporate limits of the city.

(2) The list shall be a certified list obtained from the Douglas County Clerk's Office (785-832-5160) and must have been obtained within 30 days of the date the registration is submitted.

(3) The applicant shall mail a letter which contains, at a minimum, the information below to the property owners on the list to advise them of the proposed Firework Stand and provide them the opportunity to contact the



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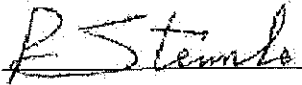
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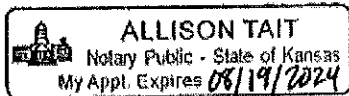


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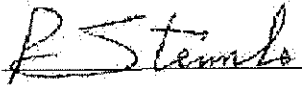
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applicant or the Zoning and Codes Department if they have any questions or concerns.

Notification Language ~~without~~ Firework Display

"Dear Homeowner,
This letter serves to inform you that a Firework Stand located at (a temporary situs address assigned by Zoning and Codes is required) is being permitted with Douglas County Zoning and Codes. The Firework Stand will consist of (brief description of the event and dates). Please contact me at (phone number, email) with any questions regarding this permitted stand or the Douglas County Zoning and Codes Department at zoning@douglascountyks.org"

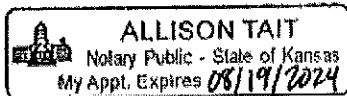
Notification Language with Firework Display

"Dear Homeowner,
This letter serves to inform you that a Firework Stand located at (a temporary situs address assigned by Zoning and Codes is required) is being permitted with Douglas County Zoning and Codes. The Firework Stand will consist of (brief description of the event and dates, Description of discharge time and duration). Please contact me at (phone number, email) with any questions regarding this permitted stand or the Douglas County Zoning and Codes Department at zoning@douglascountyks.org"

(4) A copy of the letter, the property owner list, and certification of the date the letters were mailed to the address on the list shall be submitted as part of the application.

6-206 INSPECTIONS OF FIREWORKS STANDS; REVOCATION OF PERMIT.

One or more inspections of the proposed site for the Fireworks Stand may be required to ensure compliance with this Article prior to or after issuing the permit, inspections may be made by any Douglas County law enforcement officer, code enforcement officer, or personnel of any applicable fire department. By submitting any application for a Fireworks Stand permit, the applicant shall be deemed to have consented to all such inspections. If the applicant does not own the subject property, the filing of an application shall be deemed to be a representation by the applicant that the applicant has permission of the owner of the land that that the applicant is authorized to consent to such inspection. Any permit previously issued may be revoked or suspended upon notice to the Operator if the Fireworks Stand is not operating in compliance with the provisions of this Article. Upon revocation or suspension of the permit, the Operator of the Fireworks Stand shall immediately cease sale of all Fireworks until the Fireworks Stand is brought into compliance and the permit is reinstated.



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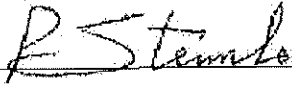
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6-207 VIOLATIONS, ENFORCEMENT AND PENALTIES.

(a) **Criminal Penalties.** Any Person who violates the provisions of this Article shall be guilty of a misdemeanor, punishable by a fine in an amount not to exceed \$500, confinement in the county jail for a period not to exceed one month, or both.

(b) **Initiation of Proceedings.** In addition to any other method of initiating a criminal proceeding under applicable law, criminal proceeding may be initiated for violation of any provision of this Article by making an offense report and serving a uniform complaint and notice to appear upon the accused. The offense report may be forwarded to the district attorney for prosecution.

(c) **Continuing Violation.** Each day that any violation occurs shall constitute a separate offense and shall be punishable as a separate violation. Provided, however, that if any person is found guilty of a violation hereunder and it shall appear to the court that the violation complained of is continuing, then in addition to the penalty set forth, the court shall enter such order as it deems appropriate to cause the violation to be abated.

(d) **Confiscation of Fireworks.** In addition to the other provisions of this Section, whenever a Douglas County law enforcement officer, code enforcement officer, or personnel of any applicable fire department has probable cause to believe that a person possesses fireworks with intent to violate the provisions of this Article or has violated the provisions of this Article, the law enforcement officer, code enforcement officer or personnel of the applicable fire department may confiscate fireworks from such person.

6-208 BURNING BAN.

In the event that the Douglas County Board of County Commissioners has declared a burning ban during the 1st, 2nd, 3rd, and 4th days of July in any year, no fireworks shall be sold or discharged and no fireworks stands may be operated on such days. All permit fees for fireworks stands shall be refunded to the permit applicants.

6-209 PARTIAL INVALIDITY.

If any provision of this Article or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are severable.

6-210 JURISDICTION.

The provisions of this Article shall apply to the unincorporated areas of Douglas County, Kansas.

Section 2. Repeal. Resolutions HR-05-3-1 and HR-07-6-4, as codified at Article 2 (Fireworks) of Chapter VI (Fire Safety) of the Douglas County Code (Sections 6-201 through 6-210) is hereby repealed.

Section 3. Effective Date. This Resolution shall take effect and be in force from and after its adoption and publication once in the official County newspaper.

IN WITNESS WHEREOF, the foregoing Resolution was adopted this 15th day of September, 2021.



Affidavit in Proof of Publication

STATE OF KANSAS
Douglas County

ATTEST:
Jameson D. Shew, County Clerk

Peter Steimle of the Legal Dept. of the Lawrence Daily Journal-World being first duly sworn, deposes and says:

Board of County Commissioners of
Douglas County, Kansas:

Shannon Portillo, Chair

Shannon Reid, Vice-Chair

Patrick Kelly, Member

That this daily newspaper printed in the State of Kansas, and published in and of general circulation in Douglas County, Kansas, with a general paid circulation on a daily basis in Douglas County, Kansas, and that said newspaper is not a trade, religious or fraternal publication, and which newspaper has been admitted to the mails as periodicals class matter in said County, and that a notice of which is hereto attached, was published in the regular and entire issue of the Lawrence Daily Journal-World

Said newspaper is published six days per week, 52 weeks per year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice and been admitted at the post office of Lawrence in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive days/weeks the first publication thereof being made as aforesaid on 09/21/2021 with publications being made on the following dates:

09/21/2021

P. Steimle

Subscribed and sworn to before me this 21st day of September, 2021.

Allison Tait

Notary Public

My Appointment expires: 8/19/2024

Notary And Affidavit	\$0.00
Additional Copies	\$0.00
Publication Charges	<u>\$3,010.00</u>
	\$3010.00

