



City of Roeland Park
4600 W. 51st Street
Roeland Park, KS 66205
(913) 722-2600

PERMIT FOR PUBLIC FIREWORKS DISPLAY

Fireworks may be possessed, used, exploded, or discharged in a public exhibition or display of fireworks, provided the person desiring to possess, use, explode, or discharge such Articles of fireworks shall possess a permit authorized by the governing body and issued by the City Clerk.

An applicant for a permit for a public exhibition or display of fireworks shall file with the City Clerk a written application, duly subscribed and sworn to by the applicant.

Name of the person, association, organization, or corporation sponsoring the display:

Names of the person(s) in charge of the firing or discharging the display along with the relevant fireworks discharge experience, certifications and licenses held by those persons:

The date and time of day at which the display is to be held (please list all dates to be covered by permit for up to a 1 year period):

Rain date(s) if appropriate: _____

The exact location planned for the display: _____

The number and kinds of fireworks to be discharged.

The manner and place of the storage of such fireworks between the date of purchase and the date of display:

- Written Approval from Fire District #2 Representatives
- Proof of insurance of at least 2 million covering bodily injury and property damage both on and offsite from the fireworks.
- Attach diagram or sketch of the grounds on which the display is to be held, showing the point at which the fireworks are to be discharged, the location of all buildings, streets, and other lines of communication, the lines behind which the public will be restrained, and the location of all nearby trees, telegraph or telephone lines or other overhead obstructions.

Signature of City Clerk

Signature of Applicant/Operator

Signature of Chief of Police

Approval or denial by City Council (Date): _____ Approved _____ Denied _____

- **ARTICLE 4. - FIREWORKS**

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- **Sec. 7-401. - Definition.**

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The term "fireworks" shall mean and include, unless otherwise hereinafter excluded, any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, sparklers or other devices of like construction and any devices containing any explosive or flammable compound, or any tablets or other device containing any explosive substance. The term "fireworks" shall not include snapper-poppers or champagne bottles. Further, the term "fireworks" shall not include any toy pistols, toy canes, toy guns or other devices in which are used paper caps manufactured in accordance with the United States Interstate Commerce Commission regulations for packing and shipping of toy paper caps, nor any pistol paper caps manufactured as provided therein, and such other substances or combination of substances, or devices, which the Governing Body may by resolution specifically exclude from the definition of "fireworks" as defined herein.

(Ord. No. 732, § 1; Code 2007)

- **Sec. 7-402. - Sale and Use of Fireworks Prohibited.**

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(a)

Except as hereinafter provided, it shall be unlawful for any person, firm, co-partnership or corporation to offer for sale, expose for sale, sell at retail any fireworks other than devices which use paper caps manufactured in accordance with the United States Commerce Commission regulations for packing and shipping of toy paper caps, or any pistol paper caps manufactured as provided therein, in the City.

(b)

Except as hereinafter provided it shall be unlawful for any person, firm, co-partnership or corporation to possess, use, discharge or explode any fireworks within the City unless specifically authorized by the Governing Body.

(Ord. No. 732, § 2; Code 2007; Ord. No. 1017, § 1, 11-1-2021)

Editor's note— Ord. No. 1017, § 1, adopted Nov. 1, 2021, amended the title of § 7-402 to read as herein set out. The former § 7-402 title pertained to use of fireworks prohibited.

- **Sec. 7-403. - Exceptions.**

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The use of the following fireworks are allowed and permitted in the City on the date herein specified and may be possessed throughout the year:

(a)

Novelty Snake - a device in the form of a pressed pellet of chemical composition that upon burning produces a snake-like ash that expands in length as the pellet burns. Chemical composition weight in finished device two grams.

(b)

Snapper - a paper or plastic wrapped device that contains silver fulminate coated on small bits of sand or gravel. When dropped the device activates, producing a noise effect. Chemical composition weight in finished device 0.001 grams.

(c)

Novelty Wire Sparkler or Novelty Dipped Stick - a device that consists of a metal wire or wood dowel coated with a chemical composition that produces a shower of sparks, a colored flame and/or a crackling effect. Chemical composition weight in finished device 25 grams.

(d)

Novelty Smoke Device - a device that produces only smoke. Chemical composition weight in finished device five grams.

(e)

Fountain, Cone - a device that produces a shower of any combination of colored sparks, color flame, crackle, smoke, and/or micro star effects. Chemical composition weight in finished device 50 grams. Cone fountains with a whistle and/or report are not included in this amendment.

No fireworks may be used or discharged within 100 feet of a gas station or an LP gas storage facility.

(Ord. No. 732, § 3; Code 2007; Ord. No. 1017, § 2, 11-1-2021)

- **Sec. 7-404. - Days on Which Excepted Fireworks May Be Used.**

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The fireworks permitted by this chapter shall be allowed only on July 4th between the hours of 12:00 p.m. (noon) and 10:00 p.m.

(Ord. No. 732, § 4; Code 2007; Ord. No. 1017, § 3, 11-1-2021)

- **Sec. 7-405. - Throwing Fireworks From Vehicle Prohibited.**

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No fireworks shall be thrown from an automobile or other moving vehicle.

(Ord. No. 732, § 5; Code 2007)

- **Sec. 7-406. - Permit for Public Display by Pyrotechnic Expert.**

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Fireworks may be possessed, used, exploded or discharged by licensed pyrotechnic experts in a public exhibition or display of fireworks, provided the person desiring to possess, use, explode or discharge such articles of fireworks shall possess a permit (or a copy thereof) issued by the City Clerk.

(Ord. No. 732, § 6; Code 2007)

- **Sec. 7-407. - Contents of Application.**

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An applicant for a permit for a public exhibition or display of fireworks shall file with the City Clerk a written application, in triplicate, duly subscribed and sworn to by the applicant. Such application shall set forth the following:

(a)

The name of the person, association, organization or corporation sponsoring the display, together with the names of the persons to be in charge of the firing or discharging of the display;

(b)

The date and time of day at which the display is to be held;

(c)

The exact location planned for the display;

(d)

A description setting forth the age, experience, residence and physical characteristics of the persons who are to do the actual firing and discharging of the fireworks;

(e)

The number and kinds of fireworks to be discharged;

(f)

The manner and place of the storage of such fireworks between the date of purchase and the date of display;

(g)

A diagram or sketch of the grounds on which the display is to be held, showing the point at which the fireworks are to be discharged, the location of all buildings, streets, and other lines of communication, the lines behind which the public will be restrained, and the location of all nearby trees, telegraph or telephone lines or other overhead obstructions.

(h)

The State of Kansas pyrotechnic license number of the person in charge of the public display.

(Ord. No. 732, § 7; Code 2007)

- **Sec. 7-408. - Investigation and Approval by the Chief of Police; Fee.**

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An application for a permit for a public exhibition or display of fireworks shall be filed with the City Clerk at least 30 days before the date set for the display. A copy of such application shall be sent at once to the Chief of Police, or his or her designee, who shall make or cause to be made an investigation of the site of the proposed display and investigate the competence and skill of the person in charge of the firing and discharge of the fireworks. If satisfied that the display will be conducted lawfully and in accordance with this article, he or she shall so advise the City Clerk. No permit shall be issued unless the approval in writing, signed by the Chief of Police, or his or her designee, is filed with the City Clerk. The applicant for a permit shall, at the time of filing application pay to the City Clerk a fee of \$100.00, which sum shall be refunded in the event the application for such permit is denied.

(Ord. No. 732, § 8; Code 2007)

- **Sec. 7-409. - Permit for Public Display by Pyrotechnic Expert; Bond or Insurance Policy Required.**

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Before a permit shall be issued for a public exhibition or display of fireworks, the applicant shall file with the City Clerk both a bond or a policy of liability insurance and a written indemnification of the City.

(a)

A bond of the applicant with a solvent and responsible surety company, authorized to do business in the state, as surety thereon, or a policy or certificate of liability insurance acceptable to the City Clerk and approved as to form by the City Attorney, conditioned that the applicant will pay all final judgments recovered against such application up to and including the sum of \$1,000,000.00 for injury to or death of any one person, and up to and including \$2,000,000.00 for injury to or death of more than one person, by reason of the carelessness

or negligence of the applicant or persons in charge of the discharge of such fireworks; and \$1,000,000 for damage to the property reason of the careless or negligence of the applicant or persons in charge of the discharge of the fireworks.

(b)

The applicant shall execute a written indemnification of the City in a form approved by the City Attorney under which the applicant agrees to indemnify, defend and hold harmless the City from any and all loss to the extent that such loss is caused or incurred by, on account of, or as a result of the negligence or other actionable fault of the applicant, its employees, agents, subcontractors and suppliers or any other party for whom the applicant is responsible.

(Ord. No. 743, § 9; Code 2014)

- **Sec. 7-410. - Conduct of Public Display.**

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(a)

A public display of fireworks shall be permitted only when the actual point at which the fireworks are to be fired is at least 200 feet from the nearest permanent building, public street, or 50 feet from the nearest aboveground telephone or telegraph line, tree, or other overhead obstruction.

(b)

The audience at a public display of fireworks shall be restrained behind lines at least 150 feet from the point at which the fireworks are discharged, and only person in active charge of the display or responsible for safety and security shall be allowed inside these lines.

(c)

All fireworks that fire a projectile shall be so set up that the projectile will go into the air as nearly as possible at an angle of not more than 15 degrees from vertical and directed away from the spectators.

(Ord. No. 732, § 10; Code 2007)

- **Sec. 7-411. - Operators at Public Display.**

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(a)

The persons in actual charge of the firing of fireworks in a public display shall be licensed pyrotechnic experts.

(b)

There shall be at all times at least two operators of the display constantly on duty during the discharge.

- **Sec. 7-412. - Extinguishers at Public Display.**

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At a public display of fireworks, at least two approved class 2A, 10BC-type fire extinguishers shall be kept at as widely separated points as possible within the actual area in which the discharging is taking place.

(Ord. No. 732, § 12; Code 2007)

- **Sec. 7-413. - Enforcement of Provisions.**

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The Chief of Police is charged with the duty of enforcing all the provisions, terms and regulations of this article.

(Ord. No. 732, § 13; Code 2007)

- **Sec. 7-414. - Penalty.**

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Any person violating the provisions of this article shall, upon conviction thereof, be fined not less than \$100.00 nor more than \$500.00 for each and every offense.

(Ord. No. 732, § 14; Code 2007; Ord. No. 1017, § 4, 11-1-2021)