

**HOME RULE RESOLUTION NO. HR-2006-//**

**A RESOLUTION REGULATING THE SALE OF FIREWORKS**

**NOW**, on this 30<sup>th</sup> day of Oct., 2006, the Board of County Commissioners of the County of Shawnee, Kansas, meeting in regular session and intending to exercise its power of home rule legislation pursuant to K.S.A. 19-101a, does hereby resolve as follows:

**SECTION I. Policy Regulating the Temporary Sales of Fireworks.**

Except within the corporate limits of any city located in Shawnee County, the Board of County Commissioners of the County of Shawnee, Kansas, may authorize and permit the temporary sales of fireworks in Shawnee County, Kansas, without regard to the Land Use Regulations and District in which it is located. Approval of temporary sales locations and operations shall be determined on the basis of compliance with the following safety standards:

1. The sales of fireworks, including the dates such sales are allowed, shall be from June 27<sup>th</sup> to July 5<sup>th</sup>, in accordance with the Kansas Fireworks Regulations as administered by the State Fire Marshall, State of Kansas, and other applicable laws of the State of Kansas, including the Kansas Retailers' Sales Tax Act.

2. The location and entrance of the temporary stand, tent, or its operation shall not create any hazard relating to the movement or circulation of traffic or pedestrians. In no instance shall said temporary stand, tent, or its operation, excluding any public parking area, be located less than fifty (50) feet from the edge of right of way of any public road or street.

3. The location of the temporary stand, tent, or its operation shall be at least fifty (50) feet from any dwelling or other structure on-site, including any other fireworks stands, and at least ten (10) feet from any adjoining property line. No temporary sales of fireworks shall be allowed within an existing permanent structure already occupied by another use.

4. Off street parking shall be provided at a ratio of one (1) space per two hundred (200) square feet of space occupied by the temporary stand, tent, or its operation, but in no instance shall there be less than five (5) spaces, at or near the location of the operation.

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

6. Hours of Operation: Fireworks sales shall be restricted to the hours of 8:00 a.m. to midnight.

7. Solid Waste Disposal: The location of the temporary stand, tent, or its operation shall be maintained, in a clean, clutter free environment, and free of blowing trash. The applicant shall provide at the time of application their method for the proper disposal of waste.

8. Fireworks intended for sale may not be stored for a period of more than thirty (30) days at any location unless the area is zoned I-1 or I-2 Districts.

9. The Sheriff and Planning Department shall periodically inspect such operations for compliance with the above-stated standards. The Sheriff and Zoning Administrator shall have the authority to close any stand operating in violation of this resolution, or in violation of any other license or permit required by law.

## **SECTION II. Procedure for Making Application for Temporary Sales of Fireworks.**

1. Applications for each firework sales location shall be filed on or before May 1<sup>st</sup> by 5:00 p.m. with the Shawnee County Zoning Administrator, on forms prepared by that office. Each application shall be signed by the property owner and applicant; provide a contact name and phone number(s); shall be accompanied by permit fee of Five Hundred and No/100 Dollars (\$500.00); and, include a detailed Site Plan. Applications received after said date shall be returned and no action shall be taken on them.

2. The site plan shall be legible and shall indicate:

a) The number & location of off-street parking spaces at the stand (minimum of 5 parking spaces & a handicap space required);

b) The location of fire extinguishers, water barrel and/or water hose(s) as required by K.A.R. 22-6-4 & amendments;

c) The distance from the fireworks stand to all roads and/or streets (minimum 50 feet from the edge of right-of-way is required);

d) The distance from the fireworks stand to all property lines (minimum of 10 feet required);

e) The distances from the fireworks stand to all structures on-site, including other fireworks stands (minimum of 50 feet required); and

f) The entrance location.

3. The Zoning Administrator shall submit each application to the Shawnee County Sheriff's Office and the Shawnee County Engineer for review and recommendation.

4. By no later than June 1<sup>st</sup>, the Zoning Administrator shall submit his/her recommendation on each application, together with the report and recommendation of the

Shawnee County Sheriff's Office and the Shawnee County Engineer, to the Board of County Commissioners of the County of Shawnee, Kansas, for its consideration and action.

5. Applicants may re-apply for alternate locations as often as time allows, if the Zoning Administrator disapproves their application for noncompliance on or before the May 1<sup>st</sup> filing deadline. When an application has been properly filed on or before May 1<sup>st</sup>, but is disapproved after that date, the applicant may re-apply for no more than one (1) alternate site within five (5) days of the date the original application was disapproved. In such cases, the Zoning Administrator, the Shawnee County Engineer, and the Shawnee County Sheriff's Office shall submit their respective reports and recommendations to the Board of County Commissioners of Shawnee County, Kansas within five (5) days of the date the application for said alternate site was filed.

6. If an application is not approved by the Board of County Commissioners, up to fifty (50) percent of the permit fee may be refunded by the County Commissioners upon written request.

### **SECTION III. Prohibited Locations.**

As a matter of public safety, due to the unusual volume of traffic in and around the Lake Shawnee area about the 4<sup>th</sup> of July each year, the Board of County Commissioners has determined that no fireworks permits shall be issued for any location along either side of any road abutting Lake Shawnee property.

### **SECTION IV. Waivers.**

The Shawnee County Zoning Administrator shall have the authority to waive strict adherence to setback distances or parking requirements outlined in Section I after an investigation of the circumstances of a particular application and shall make a report of said investigation in his/her recommendation to the Board of County Commissioners.

### **SECTION V. Penalties.**

Any person who violates any provision of Section I of this resolution shall be deemed guilty of a misdemeanor crime, and upon conviction or a plea of guilty therefore, may be fined a definite sum of money, not exceeding One Thousand and No/100 Dollars (\$1,000.00) or confined in the County Jail for a definite term not exceeding six (6) months, or both. In addition, the Zoning Administrator may immediately revoke any fireworks permit issued for a site that violates any provision of Section I of this resolution.

### **SECTION VI. Miscellaneous.**

1. This resolution rescinds Home Rule Resolution No. HR-2003-07.

2. This resolution shall take effect upon publication in the official County newspaper.



**BOARD OF COUNTY COMMISSIONERS  
SHAWNEE COUNTY, KANSAS**

*Vic Miller*

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Vic Miller, Chairman

*Theodore D. Ensley*

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Theodore D. Ensley, Vice-Chairman

*Marice Kane* - NO -

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Marice A. Kane, Member

**ATTEST:**

*Cynthia A. Beck*

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Cynthia A. Beck, Shawnee County Clerk

Approved as to Legality  
and Form: Date 10/30/06

*J. C. R.*

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ASST. CO. COUNSELOR