

## CHAPTER VI. FIRE PROTECTION

Article 1. Fireworks

Article 2. Explosives and Blasting

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### ARTICLE 1. FIREWORKS

#### 6-101. DEFINITIONS.

- (a) **Fireworks**, means any composition or device designed to produce a visible or an audible effect for entertainment purposes by combustion, explosion, deflagration or detonation that meets the definition of 1.4G (consumer) fireworks (formally known as Class C, Common Fireworks) and of 1.3G (display) fireworks (formally known as Class B, Special Fireworks) as set forth herein. Nothing in these regulations shall be construed as applying to: novelty items which contain quantities of less than twenty-five hundredths of less of a grain of explosives; highway flares, railway flares, the military or naval forces of the United States or Kansas, smoke candles, other emergency devices, signal or starting pistols, blank cartridges or small arms ammunition, or the firing of sky rockets or missiles when produced by a science class of any school and are fired under the supervision of the science instructor.
- (b) **Consumer Fireworks**, 1.4G Fireworks (formally known as Class C, Common Fireworks) means any small firework device designed to produce visible or audible effects by combustion (and which must comply with the construction, chemical composition and labeling regulations of the DOTn for Fireworks, UN 0336, and U.S. Consumer Product Safety Commission). Included herein shall be small devices such as whistling devices, ground devices containing 50 mg or less of explosive materials and aerial devices containing 130 mg or less of explosive materials. Also included shall be any firework that explodes, produces a report, shoots a projectile into the air, or produces an open flame including, but not limited to, firecrackers, torpedoes, sky-rockets, roman candles, Day-Glo bombs, sparklers, reloadable tube devices, comets, or other devices of like construction containing an explosive substance.
- (c) **Display Fireworks**, 1.3G Fireworks (Formally known as Class B, Special Fireworks) means large fireworks designed primarily to produce audible or visible effects by combustion, deflagration, or detonation. This term includes, but is not limited to, salutes/firecrackers containing more than 130 mg of explosive materials, aerial shells containing more than 40 grams of pyrotechnic composition, or other display pieces which exceed the limits for classification as consumer fireworks and fused set pieces containing components which together exceed 50 mg of salute powder. (Display Fireworks may only be discharged by a licensed display operator).
- (d) **Article Pyrotechnic** means pyrotechnic devices for professional use similar to consumer fireworks in chemical composition, construction and within the weight limits of consumer fireworks but not intended for consumer use and not labeled as such.
- (e) **Consumer Fireworks Retail Sales Facility (CFRS Facility)** means any temporary stand, tent, canopy, membrane structure, or other approved structure, which is used for the temporary retail display and sales of consumer fireworks to the public and meets all applicable building and fire codes adopted by the City of Spring Hill. (Ord. 2011-05, Ord. 2014-06)

**6-102. SALE AND STORAGE OF FIREWORKS.** Consumer (1.4G) fireworks may be sold within the municipal limits of the City of Spring Hill, pursuant to the following conditions:

- (a) The sale of consumer (1.4G) fireworks as defined in Section 6-101(b), shall be legal only between the dates of June 27th through July 5th of each year and between the hours of 8 a.m. to 10 p.m.
- (b) The sale of consumer (1.4G) fireworks shall be permitted only on those tracts of land designated by the City of Spring Hill zoning regulations as Office Building (C-O), Restricted Business (C-1), General Business (C-2), Industrial Park (MP) and General Industrial (M-1).
- (c) The sale of consumer (1.4G) fireworks shall be permitted only in CFRS Facilities as defined in Section 6-101. Each facility shall be situated at least 300 feet from any residential structure, 50 feet from any other building or structure and meets all of the standards specified in the permit application instructions.
- (d) All customer parking shall be off of the public road or right-of-way and the parking lot's grass, if there is such, shall be no more than 2 inches high. Off-street parking shall be provided at a ration of one (1) space per two hundred (200) square feet of space occupied by the CFRS Facility, with not less than seven (7) spaces provided at or near the facility location.
- (e) Solid waste at the location of the facility shall be handled in such a manner to maintain a clean, clutter free environment free of blowing trash.
- (f) Portable toilets may be used for sanitation purposes and such shall be provided and maintained by an individual or company who is licensed by the proper regulatory agency.
- (g) All temporary structures used as a CFRS Facility as well as all remaining consumer fireworks not sold, shall be removed from the location by July 7th of the year in which the permit is issued.
- (h) A Consumer Fireworks Retail Facility Permit shall be prominently posted at the CFRS Facility at all times.
- (i) All CFRS Facilities shall be subject to inspection at all times that they are in operation by City Officials or employees, personnel of the Fire Department in which district the Facility is located or by the State Fire Marshall's Office. The CFRS Facility permit may be revoked for failure to comply with City regulations. There will be no refund of the permit fee if the permit is revoked.
- (j) No CFRS Facility shall be constructed or installed prior to receiving a permit for such facility. Prior to occupancy and operation, City Staff and/or representatives of the appropriated Fire District shall inspect the facility and give approval for the placement of consumer (1.4G) fireworks on the site. Any fireworks placed on site and/or sold without a permit and inspection shall be subject to seizure.
- (k) CFRS Facilities shall be equipped with a minimum of one (1) pressurized-water portable fire extinguisher located so that the maximum distance of travel required to reach a fire extinguisher from any point does not exceed fifteen (15) feet. At least one fire extinguisher shall be of the multipurpose dry chemical type if the facility is provided with electrical power.
- (l) Smoking shall not be permitted inside or within fifty (50) feet of a CFRS Facility. At least one sign that reads "FIREWORKS-NO SMOKING" in letters at least two (2) inches high on a contrasting background, shall be conspicuously posted at each entrance to the facility.
- (m) All CFRS Facilities and all consumer (1.4G) fireworks stored, kept or sold shall be located at least fifty (50) feet from any of the following: retail propane-dispensing station dispensers; above ground storage tanks for flammable or combustible liquid, flammable gas, or flammable liquefied gas; or motor vehicle fuel dispensing station dispensers.

- (n) Exits shall be marked by an approved exit sign in accordance with the current building and electrical codes adopted by the City of Spring Hill
- (o) No trailer used for the storage of consumer (1.4G) fireworks shall be parked within ten (10) feet of a CFRS Facility, except when delivering, loading or unloading fireworks or other merchandise and materials used, stored, or displayed for sale in the facility. Firework materials shall not be stored in motor vehicles.
- (p) At least one sign that reads "NO FIREWORKS DISCHARGE WITHIN 300 FEET" in letters at least four (4) inches high on a contrasting background, shall be conspicuously posted on the exterior of each side of any CFRS Facility.
- (q) Each CFRS Facility will be allowed one on-site advertisement sign The sign shall be limited to the a maximum of 32 square feet per sign face with two faces allowed. The sign shall not be between an intersection where clear vision may be obstructed, or within the right-of-way of any street, avenue, highway or alley.
- (r) Each CFRS facility will be allowed two (2) off-site advertisement signs. The signs shall be limited to a maximum of 32 square feet per sign face with two faces allowed. The signs shall not be located where clear vision may be obstructed, or within the right-of-way of any street, avenue, highway or alley. Location of the signs shall be clearly identified on the site plan as per section 6-103(b)(8) and are subject to review and approval as per Section 6-103(c) and 6-103(d). (Ord. 2011-05)

#### **6-103. PERMIT APPLICATION PROCEDURE FOR CFRS FACILITY**

- (a) A permit application requesting specific information shall be obtained from the Community Development Department and shall be filed with said Department on or before May 20 of each year for a CFRS Facility Permit. No application will be accepted after May 20, but the applicant has until June 1 to correct any errors contained within the application. The operator of the CFRS Facility and the owner of record of the land upon which the facility will be located (if the two are not the same) shall sign the permit application. A permit application must be accompanied with the following:
  1. A certified Check for the fee amount to be set by separate resolution, with a separate permit being required for each location from which consumer (1.4G) fireworks will be sold;
  2. Proof of insurance; evidenced by a current valid certificate of insurance, acceptable to the City, reflecting a minimum limit of \$1,000,000 Commercial General Liability coverage.
  3. A copy of a "Retailer's Sales Tax Registration Certificate" issued by the Kansas Department of Revenue; and
  4. A detailed site plan.

No application will be processed unless all appropriate fees and documentation as stated above are provided. Additionally, no application will be processed by an applicant that is delinquent in the payment of the previous year's sales tax of the City to the State of Kansas.

(Ord. 2011-05, Ord. 2014-06, Ord 2024-19)

- (b) The site plan shall be legible and shall include but not be limited to the following information:
  1. All items specified in Section 6-102 (b), (c), (d), (e), (f), (k), (m) and (n).
  2. The driveway entrance location;
  3. Location of off-street parking and number of spaces;
  4. The distance of the CFRS Facility from all property lines (minimum 20 feet required)
  5. The distance of the CFRS Facility from all roads or streets adjoining the property (minimum 50 feet setback from the right of way required);

6. A layout or floor plan of the CFRS Facility and its operation indicating aisles, location of fire extinguishers, fire lanes, exits, etc.;
  7. An exterior lighting plan; and
  8. A signage plan with sign dimensions and location(s) of on-site and off-site signage.
- (c) The Community Development Department shall submit each application to the Community Development Director, Public Works Department, and the appropriate Fire District for their comments and/or recommendations.
- (d) No later than June 10th, the report and recommendations from any officials in (d) above for any application, shall be submitted to the governing body of the City of Spring Hill for its consideration and formal action.

**6-104. DISCHARGE OR USAGE OF FIREWORKS.** Fireworks subject to the following limitations and requirements, shall be discharged or used only under the following conditions:

(a) CONSUMER FIREWORKS (1.4G Fireworks)

1. No permit shall be required and no fee shall be charged for the discharge of consumer fireworks
2. The discharge of consumer (1.4G) fireworks shall be prohibited except for those days established by resolution adopted by the Governing Body for the observance of the July 4<sup>th</sup> holiday, and December 31 through January 1 of each year. On such days, the discharge of consumer (1.4G) fireworks shall be limited to the hours between 8:00a.m. and 11:00p.m. except for December 31 through January 1 during which consumer (1.4G) fireworks may be discharged between the hours of 11:00p.m. and 12:30a.m.
3. The discharge of consumer (1.4G) fireworks shall be for the entertainment and enjoyment of the owners/occupants of the property upon which the fireworks are discharged and their guests, no fees shall be charged for attending/observing the fireworks exhibition.
4. Consumer (1.4G) fireworks that fire a projectile into the air shall be directed in such a manner that the projectile does not fire over or above any building, structure or person viewing the exhibition or display, and the angle of the projectile shall be no more than 15 degrees from vertical.
5. Persons firing any consumer (1.4G) fireworks shall be either at least 18 years of age or shall be under the supervision of an adult.
6. Persons firing any consumer (1.4G) fireworks shall not be under the influence of alcohol or any other substance which may impair their judgment.
7. At least one approved fire extinguisher shall be present at the exhibition site.
8. All unfired consumer (1.4G) fireworks and fireworks residue remaining after the discharge of the fireworks shall be immediately disposed of in a nonflammable container.
9. At the conclusion of the exhibition all resulting debris must be immediately cleaned up, removed from any adjacent Right of Way and disposed of in a nonflammable container.

(Ord. 2013-07)

(b) DISPLAY FIREWORKS (1.3G Fireworks)

1. A permit shall be required for the discharge of display (1.3G) fireworks, which shall include a fee charged to the applicant. The amount of the fee under this section shall be set by separate resolution. Application for such permit shall be made to the Community Development Department at least 30 days prior to the date for which the permit is requested.
2. The Community Development Department shall submit each application to the Planning Director, Public Works Department, and the appropriate Fire District for their comments and/or recommendations.
3. The permit will be submitted to the Governing Body of the City of Spring Hill for formal action within 15 days after receipt of the application with the report and recommendations of (2) above. The Governing Body of the City of Spring Hill shall retain the privilege to waive the fee for the municipality or a non-profit organization.
4. The discharge of display (1.3G) fireworks shall be for the entertainment and enjoyment of the permit holder and the permit holder may charge a fee for attending or observing the exhibition.

5. The individual(s), organization, municipality or landowner conducting the display fireworks exhibition shall maintain the following insurance coverage:
  - a) Commercial General Liability insurance for \$1,000,000 per occurrence and \$2,000,000 aggregate, with a per project aggregate endorsement,
  - b) Business Auto insurance for \$1,000,000 per accident covering all auto(s) involved, and
  - c) Coverage shall be placed with an "A" rated insurer, licensed to do business in Kansas. The certificate of insurance, will show wording that includes coverage for the discharge and explosion of display (1.3G) fireworks with the specific dates and location specified; and shall name the City of Spring Hill, sponsor organization (if applicable) and Landowner as additionally insured.
6. The individual(s), organization, municipality or landowner submitting an application for the display fireworks exhibition shall provide a site plan of the exhibition site indicating the point of ignition of display (1.3G) fireworks, the distance of any adjacent buildings, location of storage of display (1.3G) fireworks and emergency ingress and egress to the property.
7. Display (1.3G) fireworks shall be kept and stored, prior to firing in a place and manner that presents neither a hazard to any property nor a danger to any person, such as a warehouse or magazine or comparable depository that complies with the requirements of the current Bureau of Alcohol, Tobacco, firearms and explosives Federal Explosives law and Regulations, and the current Fire Code as adopted by the City of Spring Hill.
8. The discharge or display shall be arranged so that the display (1.3G) fireworks are to be fired at least 100 feet from the nearest public right-of-way, person or building.
9. Display (1.3G) fireworks that fire a projectile in the air shall be directed in such a manner that the projectile does not fire over or above any building, structure or person viewing the exhibition or display, and the angle of the projectile shall be no more than 15 degrees from vertical.
10. Persons firing display (1.3G) fireworks shall be experienced pyrotechnic experts in the public exhibition or display of fireworks, shall be at least 21 years of age and shall possess a valid license as a Display Operator issued by the State Fire Marshall.
11. At least two approved fire extinguishers shall be present at the exhibition site.
12. All unfired display (1.3G) fireworks and any residue remaining after the discharge shall be promptly extinguished and shall be immediately disposed of in a nonflammable container.
13. At the conclusion of the exhibition all resulting debris must be immediately cleaned up, removed from any adjacent Right of Way and disposed of in a nonflammable container.
14. Access to the nearest public road to the discharge site shall remain open and passable at all times for fire, ambulance and law enforcement vehicles in the case of an emergency.

**6-104A. UNLAWFUL DISCHARGE OF FIREWORKS.** It shall be unlawful for any person to throw, place, ignite or discharge fireworks:

- (a) In any gathering of persons;
- (b) In public parks including golf courses and public parking lots of the City unless the discharge of the fireworks is authorized by a Display Fireworks Permit issued pursuant to Section 6-104 of the Spring Hill Municipal Code;
- (c) Within any building; and
- (d) In, under or from a car or vehicle whether moving or standing still.

(Ord. 2010-08, Ord. 2014-06)

**6-105. PROHIBITION OF USE OR DISCHARGE, DECLARATION OF BAN OF USING OR EMERGENCY.** The use or discharge of any fireworks, either consumer (1.4G) or display (1.3G), shall be prohibited whenever a Governor's ban on fires is in effect or when the Mayor, the Fire Chief and/or the County Emergency Director declares an emergency and the use or discharge of all fireworks shall not be permitted until said ban or emergency is officially lifted. (Ord. 2013-07)

## **6-106. ENFORCEMENT AND PENALTIES.**

- (a) Violation of any provision of this Ordinance shall be a Class C offense as defined of the Spring Hill Public Offense Code punishable upon conviction of a fine limited to an amount not exceeding \$500.00 for each offense plus assessment of all costs incurred by public agencies, fighting fires and/or responding to other emergencies directly resulting from the violations.
- (b) Each day any violation of this ordinance continues shall constitute a separate offense.

## **ARTICLE 2. EXPLOSIVES AND BLASTING**

**6-201. BLASTING.** It shall be unlawful for any person or persons to blast or cause to be blasted within this city, rocks or other material without having the same covered by good sound timbers, or sheet metal of sufficient weight, length and thickness and so placed as effectively to prevent fragments of rock or other material blasted from ascending into the air.

**6-202. EXPLOSIVES.** It shall be unlawful for any person, firm or corporation to sell, give away, or otherwise dispose of any detonating explosive without keeping a record. It shall also be unlawful for any person, firm or corporation to sell, give away or otherwise dispose of any explosives to any intoxicated or irresponsible person. No person having in his possession any explosives shall carry same in a wholly or partially concealed manner on or about his person.

**6-203. STORAGE OF EXPLOSIVES.** It shall be unlawful for any person, firm or corporation to bring into, keep or store within the corporate limits of this city, any quantity of gunpowder, or blasting powder in quantities of more than seventy-five pounds (75lbs.) or dynamite in quantities of more than fifty pounds (50lbs.).

**6-204. INFLAMMABLE LIQUIDS, SMOKING NEAR.** It shall be unlawful for any person to strike a match or have any open light within twenty-five feet (25') of any place where gasoline or other liquids giving off explosive vapors are being dispensed in open containers.

**6-205. NITROGLYCERIN.** It shall be unlawful for any person to transport or convey through or along the streets or to keep in this city any liquid nitroglycerin.