



Sales of Consumer Fireworks

Application and Regulations

2021

Applications Accepted April 1st – June 10th



Fire Department
2 South Main
South Hutchinson, KS 67505

April 1, 2021

The City of South Hutchinson would like to thank you for your interest in obtaining a permit for the sales of fireworks. Our goal is to make the fireworks season as safe as possible for your operation as well as for the Citizens of South Hutchinson. The safety process starts with the application and permitting process.

Prior to accepting your permit fee, a site plan must be submitted to the Fire Chief's Office for approval. Included in this packet are the regulations that will guide you in your site selection process. Please read and follow the guidelines, there have been some changes this year. In years past, we have experienced issues with site locations that were not consistent with city codes or state statutes. Some sites that previously were permitted will now not be allowed.

Please be aware that permits for sales will not be issued until the site plan is approved, these will be a 1st come: 1st serve and only 7 applications will be approved for the City of South Hutchinson.

Reminder... ALL tents, including inflatable tents, must meet the requirement for a flammability label permanently affixed to the tent with approvals from either Underwriters Labs, and /or The Kansas State Fire Marshal. No other certifications will be accepted.

Another important reminder is to contact your vendor that delivers and sets your tent. The tent location must meet all required measurements, or you will be required to move the tent to an approved location. If the Fire Department does not approve your location, you will not pass the final inspection and be approved for sales.

Finally, fireworks stand operators will be required to arrange the stand consistent with the regulations provided in this packet. It is important that you share this information with them. **There have been some changes in the application process, make sure to see the high lighted changes on the attached documents.**

In conclusion, the City of South Hutchinson appreciates your interest in fireworks sales, and we are committed to helping you with this process. I am available anytime for questions.

Have a safe holiday.

Sincerely,

Shae Barajas-Brooks

Shae Barajas-Brooks
Fire Chief
620.663.7104
shaeb@southhutch.com

City of South Hutchinson Kansas

Application and Permit for Retail Sales of Consumer Fireworks

Applicant Name(s):	Date of Application:
DBA:	Dates of Sales: June 30 to July 4 _____ 2021 _____ Time of Sales: 8:00 A.M. to 11:00 P.M.
Business Address:	E-mail:
Business Phone:	Cell Phone:
Sales Location (Address):	Temporary Structure: _____ Permanent Structure: _____
Property Owner Name:	Business Phone:
Property Owner Address:	Cell Phone:

<<<<IMPORTANT>>>>

A NOTARIZED AFFIDAVIT INDICATING PERMISSION TO USE THE PROPERTY IS REQUIRED IF THE APPLICANT DOES NOT OWN THE PROPERTY OF THE PROPOSED SALES LOCATION

Stand Operator Name(s):	
DBA / Group Name:	E-Mail:
Business Phone:	Cell Phone:

Site Plan Approved: _____ Fire Chief	Date: _____ (620-899-9865 / shaeb@southhutch.com)
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As conditions of issuance of this permit I agree to:

1. Prior to issuing the permit, complete the application and a Site Plan to the Fire Chiefs Office.
2. **After** the Fire Chief has approved the Site Plan, agree to pay the permit fee of **\$3,000 via Certified Check or Money Order**.
3. Provide a certificate of General Liability Insurance or Bond in the amount of \$1,000,000 to the City Clerk's Office.
4. Abide by the conditions of this permit and the regulations set forth by the State of Kansas for sales of Consumer Fireworks and the provisions set forth in Ordinance 14-837 of the City of South Hutchinson KS.
5. I have received a copy of City Ordinance 14-837, as well as a copy of the Fireworks Stand Regulations provided by the Fire Chief.

Applicants Signature: _____ Date: _____

The above-named applicant has presented all required documentation to receive a permit for the retail sales of Class 1.4G Consumer Fireworks in accordance with City Ordinance 14-837 and is hereby issued said permit.

City Clerk: _____ Date: _____

*******This permit is approved upon signature and when seal is affixed.*******

AFFIDAVIT

STATE OF KANSAS)

) ss:

COUNTY OF RENO)

_____, being first duly sworn upon his/her oath,
deposes, and states:

1. That I am the owner of the property located at _____
in South Hutchinson, KS.
2. That I consent to the use of said property for the purpose of selling Consumer Fireworks during
the dates of June 30 through July 4th.

FURTHER AFFIANT SAYETH NOT.

Signature of Property Owner

Date

Subscribed and sworn to before me this _____ day of _____, 20_____

Notary Public

My appointment expires:

ORDINANCE NO. 19-909

AN ORDINANCE AMENDING SECTION 7-302 AND SECTION 7-303 OF THE CODE OF THE CITY OF SOUTH HUTCHINSON, KANSAS REGULATING THE SALE AND DISCHARGE OF FIREWORKS WITHIN THE CITY OF SOUTH HUTCHINSON, KANSAS.

WHEREAS, the governing body of the City has decided to allow and regulate the sale and discharge of fireworks in the City.

NOW THEREFORE:

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SOUTH HUTCHINSON, KANSAS:

SECTION 1. Section 7-302 of the Code of the City of South Hutchinson, Kansas is hereby amended to read as follows:

- (a) DOT Division 1.4G Consumer Fireworks as defined by the Federal Department of Transportation, the State of Kansas and approved by the South Hutchinson Fire Chief are permitted in any year to be discharged between the hours of 8:00 a.m. to 11:00 p.m. from June 30th to July 4th inclusive.
- (b) It is hereby declared unlawful for any person to discharge any fireworks of any kind or nature whatsoever except as provided in this section unless authorized to do so by a resolution of the governing body of the City.
- (c) No person shall discharge fireworks on public property.
- (d) The Fire Chief is authorized to ban the discharge of fireworks due to weather conditions.

SECTION 2. Section 7-303 of the Code of the City of South Hutchinson, Kansas is hereby amended to read as follows:

Section 7-303. DOT Division 1.4G Consumer Fireworks: Sale and Regulation thereof:

1. DOT Division 1.4G Consumer Fireworks as defined by the Federal Department of Transportation, the State of Kansas and approved by the Fire Chief of the City of South Hutchinson, Kansas may be offered for sale by City permit only in the city limits of South Hutchinson, Kansas. Sales shall be limited to the dates and times stated on each permit and no permit shall be renewable. Such fireworks shall be limited to those defined. Bottle Rockets are prohibited to be stored, sold, offered for sale, or possessed with the intent to offer for sale. The Fire Chief may also prohibit the sale, storage, discharge, or possession of any firework that in his/her opinion constitutes an undue risk to the safety of the citizens of South Hutchinson.
2. The number of permitted fireworks stands within the City of South Hutchinson will be limited to seven.
3. Applications for permits to sell consumer fireworks will be accepted between April

1st and June 10th of each year. Applications must be submitted to the City Clerk's Office during normal hours.

4. Submitted applications will be reviewed by the Fire Chief within seven business days. Once the site is approved, fees will be paid, and a permit issued by the Fire Chief.
 - a. At the time of application, the Fire Chief will provide the applicant with regulations regarding site location requirements including temporary (tents) and permanent structures, set-backs from other buildings and public ways, storage of fireworks, disposal of waste, number of fire extinguishers, arrangement of displays and exits, illumination of stands, parking, other signage, disposal of damaged fireworks, and security of stands. Referenced publications: NFPA 101 Life Safety Code (2012); NFPA 1124 Code for Mfg., Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles (2006)
5. Approved fireworks may be offered for sale to individuals within the city limits of The City of South Hutchinson, Kansas, with approved permit, on the following dates, to-wit, June 30th to July 4th from 8:00 a.m. to 11:00 p.m., inclusive.
6. It shall be unlawful for any person to store, sell, possess with intent to sell or offer for sale, any pyrotechnic device not permitted by this Ordinance.
7. It shall be unlawful for any person to discharge fireworks in the City of South Hutchinson, Kansas except as provided in Section 7-302 of the Code of the City of South Hutchinson, Kansas.
8. An applicant wishing to sell consumer fireworks in the City of South Hutchinson shall submit the following, in the order listed, to obtain a permit:
 - a. A completed firework stand application and **site plan**.
 - b. Furnish a bond or certificate of general liability insurance in the amount of \$1,000,000.00, with coverage and policy numbers listing the applicant as the insured or as an additional insured and showing the sales location as the insured location.
 - c. Furnish a copy of the State Sales Tax Number Certificate issued in the name of the applicant.
 - d. Sign a statement that the applicant, if granted permission to sell such fireworks, will, at all times, comply with the terms of this ordinance and laws of the State of Kansas relating to the sale of fireworks.
 - e. If the place where fireworks are to be sold is not owned by the applicant, there shall be filed with the application a **notarized** written statement signed by the owner or owners of the location, stating the owner or owners consent to the sale of fireworks for the days being requested.

- f. Once the application is approved by the Fire Chief, the applicant will submit to the City Clerk a fee of **\$3,000.00 via Certified Check or Money Order** for each firework stand and for the dates and times stated on the application. A firework sales permit will be issued at that time.
 - g. All licenses for sale of fireworks shall be renewed annually.
9. No person, firm or corporation engaged in the retail sales of fireworks shall store, sell or offer for sale, or display fireworks in any residential subdivision in the City of South Hutchinson, Kansas.
 10. Temporary structures approved for selling consumer fireworks will be constructed no sooner than seven business days prior to commencement of sales and must be removed within seven business days at the conclusion of sales each year.
 11. All rules and regulations adopted by Kansas Administrative Regulations concerning the storage, sale and handling of fireworks are incorporated by reference (K.A.R 22-6-1 through K.A.R. 22-6-16).

SECTION 3. SEIZURE, PENALTY AND VIOLATIONS.

1. No stocks of fireworks stored, offered for sale, exposed for sale, sold, or held in violation of this Section shall be seized from the owner except by an order or on a search warrant of a court of competent jurisdiction. Such order may be enforced by the City Council or its duly authorized deputies or by the Police Chief or his duly authorized deputies. The stocks of fireworks seized hereunder shall be held by the Police Chief. The City Police Chief shall hold such fireworks under seal in a safe place until final disposition of the charges against the owner; thereupon, the Police Chief shall dispose of the fireworks in accordance with the Court's order.
2. Any person, firm or corporation who shall be convicted in a court of competent jurisdiction for violating the provisions of Section 1 or Section 2 of this Ordinance shall be deemed guilty of a Class C Misdemeanor and in accordance with K.S.A. 21-4502 and K.S.A. 21-4503 shall be subject to a definite term of confinement in the county jail which shall be fixed by a court and shall not exceed one (1) month and/or a fine not to exceed \$500.00.

SECTION 4. INVALIDITY IN PART.

If any section, sentence, subdivision, clause or provision of this Ordinance or application thereof to any person, firm, corporation, partnership, or other entity or circumstances is held invalid or unconstitutional in a court of competent jurisdiction, the remainder of the Ordinance and the application of the section, sentence, subdivision, clause or provision to other persons, firms, corporations, partnerships or entities not similarly situated or to other circumstances shall be affected thereby.

SECTION 5. DEFINITIONS.

Unless otherwise clearly indicated by the context as used in this Ordinance the following definitions shall apply:

1. Federal Department of Transportation Division 1.4G Consumer Fireworks shall mean and include any combustible or explosive composition, or any substance or combination of substances, or devices prepared for the purposes of producing a visible or an 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, firecrackers, torpedoes, Roman candles, Dago bombs, sparklers, or other devices of like construction and devices containing any explosive or flammable compound, or any tablet or other devices containing an explosive substance, except that the term "fireworks" shall not include any safety flares, paper caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap, any toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times.
2. Bottle Rocket shall mean any pyrotechnic device which is mounted on a stick or wire and projects into the air when ignited, with or without reports, and includes any devices with the same configuration, with or without reports, which may be classified as a pipe or trough rocket. "Bottle Rocket" does not include helicopter-type fireworks.
3. Sale shall mean all sales of fireworks, within South Hutchinson, Kansas to an individual, firm, partnership, corporation, or association.
4. The term Fireworks Stand shall mean and include any location where fireworks are offered for sale such as, but not limited to, permanent or portable stands, tents trailers, stores, etc.

SECTION 6. Any ordinances or parts of ordinances of the City of South Hutchinson, KS regulating the sale and discharge of Fireworks in the City of South Hutchinson in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 7. This ordinance shall be in full force from and after its passage and summary publication once in the official city newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF SOUTH HUTCHINSON, KANSAS THIS 1st DAY OF April, 2021.

Mayor

ATTEST:

City Clerk

City of South Hutchinson Fireworks Stands Regulations

The following Administrative Regulations govern the establishment of fireworks stands for the sales of Consumer Fireworks within the City of South Hutchinson. The National Fire Protection Association (NFPA) Code 1124 (2006 Edition) is the reference document for any item not specifically addressed in these regulations.

1. Application

- a. The applicant must submit a completed application including a proposed Site Plan to the Fire Chiefs Office during the application period as indicated in City Ordinance No. 14-837 (provided in the application packet).
- b. Once received, the Fire Chief or his/her designate will have up to seven (7) business days to review the site plan and either approve, deny, or make adjustments to the plan.
- c. Once the Site Plan is approved, the applicant can receive a permit from the City Clerk after paying the application fees.
- d. A copy of the approved permit, Ordinance 14-837, and these Administrative Regulations will be maintained in the firework stand at all times.

2. Final Inspection

- a. The Fire Chief or his/her representative will make a final inspection of the stocked fireworks stand prior to the start time of first day of sales to ensure compliance with these regulations. **The Applicant needs to contact the Fire Chief prior to June 30th and schedule a final inspection.**

3. **SITE PLAN:** A site plan will be provided by the applicant prior to issuing the permit for sales that clearly indicates the following:

- a. The property lines and the location and dimensions of temporary or permanent structures that will be used as the Fireworks Stand.
- b. The distances from the Fireworks Stand to **all** structures within 100' of the Fireworks Stand.
- c. The distances from the Fireworks Stand to all public ways (streets, highways, alleyways, sidewalks) within 50 feet of the stand.
- d. The location and dimensions of approved storage containers and their respective distances from the Fireworks Stand, other structures, and public ways.
- e. The location and distances of trash containers (dumpsters) from the Fireworks Stand.
- f. The location and distances from the Fireworks Stand for electrical connections and /or generators.
- g. The location from Fireworks Stand for a minimum of ten (10) off-street parking spaces. (no closer than 20' to the stand)
- h. Indicate any overhead obstructions within 50 feet of the Fireworks Stand.

4. **SITE REQUIREMENTS:** The applicant should reference the items listed below when selecting a site.

- a. **Fireworks Stands will NOT be per permitted within:**
 - i. Zoned residential areas
 - ii. 100 feet of a fuel dispensing station (Gas Station)
 - iii. 300 feet of a bulk fuel dispensing station.
 - iv. 200 feet of another Fireworks Stand
 - v. 50 feet of any structure.
 - vi. 25 feet of any public way.
 - vii. 20 feet of any vehicle parking area.

- viii. 25 feet of any temporary storage of fireworks.
- ix. 25 feet of any dumpster or waste container
- x. 50 feet of any overhead obstruction including power lines.

5. **Permanent Structures:**

a. **Fireworks Stands will NOT be permitted:**

- i. Existing permanent structures that exceed 7,500 sq. feet without an approved automatic sprinkler system.
- ii. New permanent structures that exceed 6,000 sq. feet without an approved automatic sprinkler system.

6. **Temporary Structures:**

- a. Tents used for sales of fireworks will have a certification label affixed to the top section and sidewalls indicating flame resistivity by a nationally recognized test facility.
- b. Floor surfaces of temporary structures may be asphalt, concrete, rock, or dirt.
- c. Grass surfaces must be recently mowed, and dead material removed prior to stocking. The area around the tent shall be recently mowed and accumulations of dead material removed within 25 feet of the fireworks stand.

7. **Temporary Storage of Consumer Fireworks:**

- a. Storage of fireworks shall be in approved containers.
- b. The location of storage containers will be indicated on the site plan submitted to the Fire Chiefs Office prior to approval of permit.
- c. Storage containers may be no closer than:
 - i. 25 feet from the stand.
 - ii. 25 feet from any public way.
 - iii. 25 feet from dumpsters or trash containers.
 - iv. Shall not interfere will any exit pathway from the stand.
 - v. 20 feet from any generator
 - vi. 50 feet from any fuel storage.
 - vii. 50 feet from any structures (excluding fireworks stands)
 - viii. 100 feet from any fuel dispensing facility
 - ix. 300 feet from any bulk fuel dispensing facility.
- d. Fireworks storage containers will be secured at all times.
- e. No smoking signs that meet these regulations shall be affixed to four sides of the temporary storage unit stating "NO SMOKING WITHIN 50 FEET"
- f. DOT required placarding for temporary storage of consumer fireworks shall be affixed to the container(s).

8. **Housekeeping:**

- a. Trash and empty shipping boxes shall not accumulate in the fireworks stand or within 25 feet of the fireworks stand.
- b. Trash containers shall be constructed of non-combustible materials.

9. **Exits:**

- a. Stands will have a minimum of two (2) fire exits with a minimum clearance of 48 inches.
- b. Additional exits may be required due to the size and configuration of the stand.
- c. The maximum travel distance in any part of the stand to an exit will not exceed 75 feet.
- d. All exits will be clear of obstructions and open at all times during approved sales hours.
- e. Fireworks may not be displayed within 5 feet of the main public entrance / exit and within 2 feet from any other exit.

10. **Aisle Width / Stand Arrangement:**

- a. Aisle widths will be maintained at 48"
- b. Dead end aisles will not be permitted.

11. **Display of Safety Posters and Point of Sale Safety Brochures.**

- a. Stand operators will hand out safety brochures for each sale. (Provided by the Fire Department)
- b. Stand Operators will display safety posters within the stand. (Provided by the Fire Department).

12. **Electrical:**

- a. All electrical wiring shall be done in accordance with the National Fire Protection Association (NFPA) Code 70, and the National Electrical Code.
- b. Temporary power must be installed by Westar or a licensed electrician and approved by the City of South Hutchinson Code Enforcement Officer.
- c. Electrical cords supplying power to the stand must be protected from vehicle and foot traffic as well as from becoming a tripping hazard. (Duct tape and rugs are not approved methods)
- d. Electrical cords must be approved for outdoor use and heavy enough for the expected load.
- e. The use of lightweight extension cords **will not** be permitted.

13. **Lighting and Emergency Lights**

- a. Fireworks stands that are open for sales after dark are required to have approved lighting.
- b. Emergency lights are required for stores that are open after dark. (Tents are exempt)

14. **No smoking signs:**

- a. At least two (2) no smoking signs will be prominently displayed inside the tent with all capital block letters at least 2" in height on a contrasting background that say **"NO SMOKING"**
- b. Additional signage meeting the same height, width and color requirements is required on all four sides of the exterior of the structure with the letters **"NO SMOKING WITHIN 50 FEET"**

15. **No fireworks discharge signs:**

- a. At least one sign affixed to the outside of the stand on contrasting background, **4 inches** inch high lettering that reads "NO FIREWORKS DISCHARGE WITHIN 300 FEET "

16. **Exit Signs:**

- a. Exit signs shall be illuminated or have the ability to be illuminated by emergency lights.
- b. Exit signs must be at least 6 inches high with $\frac{3}{4}$ " wide lettering (orange or green) on a black background with the words in all capital block letters "EXIT".
- c. Exit signs are required above each required exit inside the stand.

17. **Heating appliances**

- a. There shall be no heating appliances of any kind within **25 feet** of the fireworks stand.

18. Fire Extinguishers

- a. A minimum of two (2) portable dry chemical fire extinguishers with a minimum rating of 2-A-10 BC rating will be hung in opposite ends of the stand.
- b. The extinguisher(s) shall be suspended and secured off the floor.
- c. The fire extinguisher(s) shall be visible and accessible at all times.
- d. A water pressure extinguisher may be substituted for one (1) dry chemical extinguisher.
- e. Extinguisher must have a current service tag affixed to the extinguisher.

19. Parking:

- a. Parking is not permitted within 20 feet of the stand.
- b. A physical barrier will be utilized to establish the 20 foot perimeter for parking.
- c. The site plan will indicate parking areas for at least 10 off street parking areas.
- d. Parking is prohibited in exit pathways outside of the stand for 25 feet.

20. Damaged Fireworks / Open Fuses:

- a. Damaged or wet fireworks must be removed from the site plan premises to an approved disposal site within 24 hours.
- b. Open packages with exposed fuses will be removed immediately from the fireworks stand.

21. Security / Staff Presence:

- a. 24-hour security will be provided once fireworks are placed in the stand.
- b. During sales hours, at least once person 18 years of age will be present in the stand at all times and can perform sales and security functions.
- c. During non-sales hours, at least one person 18 years of age must be present at all times as the security person.
 - i. Security must remain awake and outside the tent at all times when not making security sweeps or involved in restocking.
 - ii. Workers may remain in the stand to restock during non-sales times.
 - iii. During non-sales and non-stocking hours, the stand is to remain unoccupied.
 - iv. Temporary quarters placed on the property for staff use (I.e. RV's) must be a minimum of 50 feet away from the stand and storage containers.

22. Generators

- a. Generators supplying power to the fireworks stand will not be placed closer than 20 feet from the stand.
- b. Fuel for the generator will not be stored closer than 50 feet from the stand.
- c. Generators must be turned off and cool prior to refueling.

23. Open Flames / Cooking Equipment

- a. Open flame or open element cooking equipment shall not be located closer than 50 feet from the tent.

24. Hours of Operation

- a. Sales of fireworks are permitted 8:00 AM to 11:00 PM from June 30th to July 4th.
- b. Early sales are not permitted at any time.
- c. Stands close at 11:00 PM. Customers may remain in the stand 15 minutes to finish their transactions. No new customers are permitted in during that time.

25. Severe Weather /Severe Weather Warnings

- a. Fireworks sales shall be suspended during severe thunderstorm and tornado warnings.
- b. Stands shall be evacuated during severe weather.

26. Right of Inspection / Non-compliance / Suspended Sales

- a. The Fire Department has the right to enter the fireworks stand at any time to ensure compliance with city ordinances and regulations.
- b. The Fire Chief has the ability to suspend sales and / or revoke a permit for non-compliance.

Site Plan

