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OCA# 070138  
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May 1, 2018

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 15.01.650 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO FIREWORKS AND REPEALING THE ORIGINAL OF SAID SECTION.

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

SECTION 1. Section 15.01.650 of the Code of the City of Wichita, Kansas, is amended to read as follows:

**“Chapter 56, Section 5601.1.3 amended – Fireworks.** Chapter 56, Section 5601.1.3 of the International Fire Code, 2012 Edition, is amended to read as follows:

**Section 5601.1.3 Fireworks.**

A. Except as otherwise provided, the possession, manufacture, storage, sale, handling, and use of fireworks, including bottle rockets and sky lanterns as defined below, are prohibited. For the use of this section, bottle rockets are defined as any pyrotechnic device which is classified as a C explosive by the United State Department of Transportation under 49 C.F.R. §173.53 (1990), which is mounted on a stick or wire, and projects into the air when ignited with or without reports and includes any device with the same configuration with or without reports, which may be classified as pipe or trough rocket. “Sky lanterns or flying lanterns” include, but are not limited to, devices that require a heat source which produces heated air trapped in a balloon-type covering allowing the device to float in the air.

## B. Exceptions

1. Storage and handling of fireworks are allowed as permitted in Section 5604.
2. Manufacture, assembly and testing of fireworks is permitted in Section 5605.
3. The use of fireworks for display as permitted in Section 5608.
4. The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks which have been tested and approved by the Wichita Fire Department for use and sale within the city limits are allowed during legalized time periods prescribed by the City of Wichita. Such fireworks shall comply with the following guidelines:
  - a. Fireworks shall comply with CPSC 16 CFR, Parts 1500-1507, and DOTn 49 CFR, Parts 100-185, for consumer fireworks;
  - b. Fireworks shall be classified as Class C and/or 1.4G; and
  - c. Shall emit a shower of sparks no more than 6 feet (1,828.8 mm) in any direction; and
  - d. Shall not be labeled as emitting flaming balls.
  - e. No firework shall be discharged except from June 27<sup>th</sup> through July 5<sup>th</sup> and on any of those days shall not be discharged before 10:00 a.m. or after midnight without permission from the fire code official. The Fire Chief, or their designate, can ban the use of fireworks if conditions exist that pose a hazard to life or property.

## C. Responsible Parties

1. Minors: It shall be unlawful for an adult to allow or permit a person under the age of 18 to violate the provisions of 5601.1.3. For the purposes of this section, failure to supervise shall be synonymous with allow and/or permit. Adult is defined as any individual or person over the age of eighteen.

2. Owner/Occupant Responsibility: It is unlawful for an individual, owner, lessee, renter, proprietor, or any other person with control of the real property to allow, permit, host, consent to or facilitate a violation of 5601.1.3. An individual, owner, lessee, renter, proprietor, or any other person with control of the real property shall be presumed to have consented to the illegal use of fireworks on the property or adjacent right of way if law enforcement or fire officials observe and document the existence of the remnants of unlawful fireworks on the premises indicative of the use or display of such fireworks.

#### C. Enforcement

1. Members of the Wichita Police Department are authorized to enforce this provision and all applicable provisions of Title 15 pertaining to the storage, use, handling and possession of fireworks within the City of Wichita.
2. The sale of fireworks shall comply with requirements as determined by the City of Wichita Fire Marshal's Office and it shall be a violation of the law to fail to comply.

#### D. Permits

1. Any person, individual or corporation desiring to sell fireworks within the corporate city limits of the City of Wichita shall obtain a permit from the Wichita Fire Department authorizing the sale of such fireworks. An application shall be

completed on a form provided by the Fire Department. The fee for such permit shall be \$1,500 per site payable to the Wichita Fire Department. In addition to the fireworks permit, if sales are located within a tent, all firework sellers must comply with 15.01.090, Chapter 1, Section 105.7.16 amended including the payment of any applicable tent permit and inspection fees.

2. Fireworks may be sold 6:00 a.m. to midnight, June 27 through July 5. It shall be unlawful to sell fireworks without a proper permit or outside the allowed hours of sale.
3. At each sale location an informational sign approved by the Wichita Fire Department shall be posted in a conspicuous location and informational flyers shall be available so as to educate the public as to the firework ordinances in the City of Wichita. It shall be unlawful to sell fireworks from a location without posting the sign or having the flyers available to the public.

E. Penalties: Any person violating the provisions of 5601.1.3 A, B (4)(a-e), or C shall be guilty of a misdemeanor punishable by a fine of \$250 plus any applicable court costs. Any person violating the provisions of any other subsection of 5601.1.3 shall be guilty of a misdemeanor and shall be punished by a fine not to exceed two thousand five hundred dollars or by imprisonment for not more than one year, or by both such fine and imprisonment. Such person shall be required to appear before the judge of the municipal court to answer for said charges.

SECTION 2. The original of Section 15.01.650 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 3. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon publication once in the official paper.

ADOPTED at Wichita, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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Jeff Longwell, Mayor

ATTEST:

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Karen Sublett, City Clerk

Approved as to form:

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Jennifer L. Magaña  
City Attorney and Director of Law