

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF COWLEY COUNTY, KANSAS.**

**RESOLUTION NO. 2006-08**

**A RESOLUTION AMENDING RESOLUTION NO. 2006-05 ON REGULATING THE SALES AND DISCHARGE OF FIREWORKS IN THE UNINCORPORATED AREAS OF COWLEY COUNTY, KANSAS.**

**WHEREAS**, the Board of County Commissioners of Cowley County, Kansas, in an effort to protect the safety of persons and property in the unincorporated area of Cowley County, Kansas has determined to regulate the sale, handling, use or storage of fireworks within the unincorporated areas of Cowley County; and

**WHEREAS**, K.S.A. 31-134(b) affirms the authority of county governments to prohibit or regulate the sale, handling, use, or storage of fireworks within the County's boundaries.

**NOW THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Cowley County, Kansas that Section 4. Storage, Sale and Possession of Consumer Fireworks and Section 5. Storage, Possession and Discharge of Commercial Fireworks of Resolution No. 2006-05 be and are hereby amended as set forth herein, with the balance of Resolution No. 2006-05 remaining in effect as originally adopted on February 28, 2006.

**SECTION 4. Storage, Sale, and Possession of Consumer Fireworks.**

- (a) It shall be unlawful for any person, firm or company to sell Consumer Fireworks in the unincorporated area of Cowley County, Kansas without first obtaining a permit from the Cowley County Clerk's Office and paying the required permit fee. Applications for a permit to sell Consumer Fireworks within the unincorporated area of Cowley County shall be submitted to the County Clerk's Office on forms prepared by that office on or before June 1. Payment of the permit fee shall be paid by the applicant at the time the permit form is submitted to the County Clerk's Office.
- (b) Applicants for permits to sell consumer fireworks may be submitted to the Cowley County Clerk's Office during normal business hours. No person, firm or corporation shall offer consumer fireworks for sale to individuals in the unincorporated area of Cowley County before the 27<sup>th</sup> day of June or after the 4<sup>th</sup> day of July.
- (c) An applicant wishing to sell consumer fireworks in the unincorporated area of Cowley County shall submit the following in order to obtain a permit:
- The name, address and telephone of the applicant.
  - The place where such fireworks are to be sold and the name and address of the owner or owners of the location.
  - The day or days upon which the applicant intends to sell fireworks.
  - A description of the structure in or on which the fireworks are to be sold.
  - Furnish a bond or certificate of insurance in the amount of \$500,000.00, with coverage and policy numbers listing the applicant as the insured or as an additional insured and showing the sale location as the insured location.

- Furnish a copy of a State Sales Tax Number Certificate issued in the name of the applicant.
  - Sign a statement that the applicant, if granted permission to sell fireworks, will at all times comply with the terms of this resolution and laws of the State of Kansas relating to the sale of fireworks.
  - 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.
  - The application when filed with the Cowley County Clerk's Office shall be accompanied by a fee of \$500.00 for a fireworks stand of 1000 square feet or under and \$5000.00 for fireworks stand of over 1000 square feet. The County Clerk will review and approve or deny the issuance of a permit to the party making application.
- (d) All permits to sell consumer fireworks shall be subject to an initial inspection and continued monitoring of the fireworks stand by the County Fire District exercising jurisdiction in the area where the fireworks stand is located or by an inspector designated by the Cowley County Board of Commissioners for compliance with the National Fire Protection Association (NFPA) standards for the retail sales of Consumer Fireworks.
- (e) All permits issued hereunder shall be valid only at the location specifically stated in such permit.
- (f) No permit issued hereunder shall be transferable.
- (g) No person, firm or corporation engaged in the retail sale of fireworks shall store, sell or offer for sale, or display fireworks in any residential subdivision in the unincorporated area of Cowley County.
- (h) All rules and regulations adopted by the Kansas Administrative Regulations (KAR) concerning the storage, sale, handling and discharge of fireworks are hereby incorporated by reference.

#### **SECTION 5. Storage, Possession and Discharge of Commercial Fireworks**

- (a) All individuals, corporations or organizations, desiring to engage in a display of Commercial Fireworks, shall apply for and obtain a permit for the same from the Cowley County Clerk's Office. This permit will allow for the storage, handling, use and discharge, but not the sale of Commercial Fireworks within the unincorporated area of Cowley County. It shall be unlawful for any person, corporation or organization to engage in a display of Commercial Fireworks without first obtaining a permit.
- (b) Applications for a Commercial Fireworks Display permit shall be submitted to Cowley County Clerk's Office thirty (30) days prior to the scheduled event together with the required permit fee.
- (c) An applicant wishing to engage in a display of Commercial Fireworks in the unincorporated area of Cowley County shall submit the following in order to obtain a permit:
- The name, address and telephone of the applicant.

- The place where such display of Commercial Fireworks is to be held and the name and address of the owner or owners of the location.
  - The day upon which the applicant intends to hold the Commercial Fireworks display.
  - Furnish a bond or certificate of insurance insuring against bodily injury and property damage in the amount of \$500,000.00, by single limit policy for damages arising out of any incident occurring during the Commercial Fireworks display; with coverage and policy numbers listing the applicant as the insured or as an additional insured and showing the location of the Commercial Fireworks display as the insured location.
  - If the place where Commercial Fireworks display is to be held 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 display of Commercial Fireworks for the day being requested.
  - Documentation that the person(s) conducting the Commercial Fireworks display has a current Fireworks Display Operator's License issued by the Kansas State Fire Marshal.
  - The application when filed with the Cowley County Clerk's Office shall be accompanied by a permit fee of \$100.00. The County Clerk will review and approve or deny the issuance of a permit to the party making application, subject to the site inspection in paragraph (d) herein.
- (d) All Commercial Fireworks Display permits shall be subject to the prior approval, recommendations and conditions of the County Fire District exercising jurisdiction in the area where the display is located or the inspector designated by the Cowley County Board of Commissioners. Each Commercial Fireworks display shall be of such character and so located, discharged or fired, as in the opinion of the Fire District or the inspector after proper investigation, does not create a hazard to property or endanger any person.
- (e) All permits issued hereunder shall be valid only at the location specifically stated in such permit.
- (f) All permits issued hereunder shall be valid only for one day, and the date shall be specifically stated on the permit. An alternate date may be granted by the District Fire Chief in the event of inclement weather or a burning ban.
- (g) No permit granted shall be transferable.

#### **INVALIDITY OF PART**

If any section, sentence, subdivision, clause or provision of this resolution 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 resolution 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 not be effected.

**EFFECTIVE DATE**

This Resolution from and after its effective date shall supersede any prior Cowley County Resolution dealing with Fireworks, except that portion of Resolution No. 2006-05 not amended herein. This Resolution shall take effect upon its passage and publication in the official county paper.

Dated this 16th day of May 2006.

Board of County Commissioners  
of Cowley County, Kansas

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Carmelita Clarkson, Chairman

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Dick Bonfy, Vice Chairman

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Gary Wilson, Commissioner

ATTEST:

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Karen D. Brooks, County Clerk