

ORDINANCE NO. 546

AN ORDINANCE RELATING TO THE SHOOTING OF FIREWORKS, PROHIBITING THE SHOOTING OF THEM AND PROVIDING FOR VIOLATIONS THEREOF FOR THE CITY OF LEON, KANSAS AND REPEALING ORDINANCE NO. 83.

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

CHAPTER 1 DEFINITIONS:

Section 1- Words and phrases used in this chapter shall have the following meaning unless the context otherwise requires:

"Fireworks" - shall mean and include any combustible and deflagrating composition, article, or device suitable for use of the public for producing a visible or audible effect by combustion, deflagration, or by detonation

"Prohibited fireworks" - shall mean and include any combustible or deflagration device stronger than a Class B.

CHAPTER 2 DISCHARGE OF FIREWORKS:

SECTION 1- That it shall be unlawful for any person(s) to shoot or explode or cause to explode within the city limits of the City of Leon, Butler Co., Kansas, fireworks of any kind except for January 1st of each year from 12:00 a.m. to 12:15 a.m. and from June 27th to July 5th.

SECTION 2- It shall be unlawful for any person, firm, corporation or partnership to discharge fireworks within the limits of the city except for the following dates and times: January 1st from 12:00 am to 12:15 am, June 27th, June 28th, June 29th, June 30th, July 1st, July 2nd, and July 5th from the hours of 10:00 a.m. to 10:00 p.m. and July 3 between the hours of 10:00 a.m. and 11:00 p.m. and on July 4 between the hours of 10:00 a.m. and 12:00 midnight. The discharge of fireworks will be allowed on private property but there shall be no discharge of fireworks on city property unless a permit is granted by city for such discharge. In addition, it shall be unlawful to commit any of the following acts within the City of Leon:

- (a) The discharge of fireworks into, under or from any motor vehicle, whether moving or standing still;
- (b) The discharge of fireworks within 200 feet of any facility where fireworks are sold or stored, unless approved by the owner or operator of the facility.
- (c) The discharge of fireworks within 300 feet of a service station;
- (d) The discharge of fireworks in any manner which may pose an unreasonable risk of fire, property damage or personal injury;
- (e) The discharge of fireworks on private property not owned or under the legal control of the person discharging the fireworks unless the person is a social invitee and has permission of the owner to discharge the fireworks;
- (f) The discharge of fireworks toward any residence, commercial building or other structure whether intended or not.

CHAPTER 3 SALE OF FIREWORKS, TERMINATION OF SALE, SUSPENSION OF SALE:

SECTION 1- The sale of approved fireworks will be permitted on the dates of June 27 through July 5 of each year between the hours of 10:00 a.m. and 10:00 p.m., unless otherwise approved by the governing body and posted at the stand, by licensed persons or entities. Any persons, partnership, corporation or other entity may apply to the City Clerk for a license to sell fireworks by filing an application stating the name of the applicant, the proposed locations of sale and attaching to the application written approval for the use of the proposed site. Times may be extended by the governing body and will be posted at the facility in clear view.

SECTION 2- Whenever the city has issued a public display permit or license to sell fireworks at retail under the provisions of this article and it is determined by the Department of Public Safety that the permitted function is in violation of this article or is operating in an unsafe manner, the Department of Public Safety shall immediately report the violation to the Governing Body who shall determine whether to terminate the operations or permanently cancel the permit or license involved.

SECTION 3- If a permit or license shall be terminated by the Governing Body under this section, the permittee or licensee shall have a right to appeal the decision to terminate to the City Council for review.

The City Council shall consider the request for review at the next City Council meeting, whether regularly scheduled or specially called. The City Council shall then decide by majority vote whether to continue or terminate the permit or license in question. Upon review, the license shall remain terminated or suspended until considered by the City Council

CHAPTER 4 PENALTIES

SECTION 1- Any person, firm, corporation or partnership who violates the provisions of this article may be fined in an amount not less than \$50.00 nor more than \$1,000.00 for each occurrence.

CHAPTER 5 ADOPTION

Section 1: That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 2: That nothing in this ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 3: That the City Clerk is hereby ordered and directed to cause this ordinance to be published in the official city newspaper.

Section 4: That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after its publication in the official City newspaper.

PASSED AND APPROVED by the Governing Body on this 12th day of June 2017.

L. Gerald Schuetz

Mayor

ATTEST:

Jodie Laidler

City Clerk

[SEAL]