



ORDINANCE NO. 640

AN ORDINANCE REGULATING THE SALE AND DISCHARGE OF FIREWORKS WITHIN THE CITY LIMITS OF WHITEWATER, KANSAS AND REPEALING CERTAIN ORDANANCE INCONSISTENT HEREWITH.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WHITEWATER, KANSAS:

Section1: The Whitewater Municipal Code is hereby amended by adding the following to read as follows:

- A. FIREWORKS.** Except as hereinafter provided, it shall be unlawful for any person or entity to sell or discharge fireworks, as defined by the regulations of the Fire Marshall of the State of Kansas, within the City limits of Whitewater, Kansas.
- B. SALE OF FIREWORKS.** Upon application to the City Clerk, a permit to sell fireworks shall be granted upon the following conditions:
1. All applications for a permit to sell fireworks shall be submitted to the City Clerk at least ten (10) days prior to the granting of such permit. Not permits shall be granted prior to June 1 of the year in which fireworks will be sold pursuant to such permit.
 2. Approval of the location upon which fireworks are to be stored and/or sold, provided, however, that no such location shall be within seventy-five (75) feet of another location measured structure and provided further that each such location upon which fireworks are to be sold shall provide for the public not less than one (1) off-street parking stall per one hundred (100) square feet of sales structure floor area and adequate ingress and egress aisles. Fireworks shall not be stored or sold within fifty (50) feet of any source of flame, sparks or flammable or volatile liquids in excess of one gallon, except in stores where cleaners, paints and oils are handled in sealed containers only. A description of each location shall be provided to and approved by the Fire Chief of the city of Whitewater, Kansas, prior to the issuance of a permit. Each vendor shall also furnish without cost to the City such flag-person and attendants as are necessary to ensure the orderly parking of vehicles around each sale site, and shall in no way interfere with the normal flow of traffic on public roads. No vender shall allow parking on public right-of way around any site.
 3. Approval of all safety precautions and equipment at each sales site by the Fire Chief; such precautions to include fire extinguishers and such other equipment as required by applicable state laws and regulations.

4. Each vendor shall obtain a policy of general comprehensive liability insurance for a minimum coverage of \$500,000 per occurrence, with the City of Whitewater, Kansas, named as an additional insured, and shall provide the City with a copy of the certificate of such insurance. Such policy or policies shall not be canceled by vendor upon less than thirty (30) days' notice.
5. Each vendor shall obtain a policy of product liability insurance for a minimum coverage of \$500,000 per occurrence for products sold and/or stored within the City by the vendor, and shall not be cancelable by vendor upon less than thirty (30) days' notice.
6. Each vendor shall at all times indemnify and hold harmless the City of Whitewater, Kansas its officials, agents and employees, from and against any and all claims, actions, damages, liability and expense including, but not limited to attorneys' and other professional fees, in connection with loss of life, personal injury and/or transportation of fireworks by such vendor and vendor's customers, employees, contractors and agents.
7. All fireworks stored or sold shall be of the type allowed by application state laws and regulations.
8. Payment of permit fee in the amount of \$2,000.00 per sales site to the City Clerk.
9. At the time any permit is issued, a \$500.00 clean-up fee shall be collected. This fee is refundable upon inspection and approval of post-event clean-up by the City Clerk. Any portion of the deposit not required for clean-up will be returned to the vendor.
10. All permits to sell fireworks issued pursuant to this section shall be in writing, shall contain thereon such restrictions as may have been imposed by the Fire Chief and shall be permanently displayed at each location upon which the fireworks are to be sold. Each permit so issued shall be valid through June 1st of the following year, at which time the holder of such permit may renew the same by paying the applicable permit fee and complying with all other requirements for the reissuance of a permit. Should the holder of such permit fail to apply for renewal of such permit by June 1st, such permit shall expire.
11. No permit shall be issued or renewed to a vendor who has failed to demonstrate financial responsibility. In this regard and by way of illustration, evidence that the holder of a permit has failed to pay the cost of merchandise when due, failed to pay costs associated with leased land or facilities when due, or failed to pay wages of employees when due in connection with sales of fireworks in prior years, may constitute sufficient ground for rejection of an application for permit.
12. Sale hours shall be as follows:
 - 10:00 a.m. to 10:00 p.m. June 27 through July 3
 - 10:00 a.m. to Midnight July 4
 - 10:00 a.m. to 10:00 p.m. July 5
13. All advertising signage shall be per City zoning regulations.

C. DISCHARGE OF FIREWORKS. The discharge of State Fire Marshall approved fireworks within the City of Whitewater, Kansas is permitted only at the following times and dates:

10:00 a.m. to 10:00 p.m. June 27 through July 3

10:00 a.m. to Midnight July 4

10:00 a.m. to 10:00 p.m. July 5

D. PUBLIC DISPLAYS. Notwithstanding any other provisions set forth herein, special permits for public firework displays may be issued by the Fire Chief upon such terms and conditions as it shall deem appropriate to insure public safety.

E. DISCHARGE OF FIREWORKS: PROHIBITED; EXCEPTION.

Upon the determination of the Fire Chief, the discharge of fireworks may be terminated and prohibited within the City limits of the City of Whitewater, Kansas, upon finding by the Fire Chief that said discharge constitutes an immediate hazard to the safety of property or persons within the City of Whitewater, Kansas. Upon such determination that the discharge of fireworks constitutes an immediate hazard, the Governing Body may by resolution and publication prohibit the discharge of fireworks, or in the case of an emergency situation, the Mayor of the City of Whitewater, Kansas is empowered to issue a proclamation prohibiting the discharge of fireworks for not more than forty-eight (48) hours following said proclamation, which shall be publicized and posted at the City Hall of Whitewater, Kansas.

F. PENALTY. The violation of any provision of this Chapter shall be punishable by a fine not to exceed \$2,500.00 and/or imprisonment for not more than one (1) year and/or revocation of any permit to sell fireworks. Also, any permit holder violation any provision of this Chapter shall first be issued warning by the City Fire Chief and on any second or subsequent violation, the Fire chief shall revoke the permit for sale and terminate the sale of fireworks by the violator. Any permit holder whose permit is revoked may appeal to the Governing Body by notice served upon the City Clerk, and a hearing shall be called and held not less than twenty-four (24) hours from the date of filing of such notice of appeal. In the event of a violation of this Chapter, the Fire Chief shall have the authority to seize, take, remove or cause to be removed at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored or held in violation of this Article or possessed or owned by any person for discharge.

Section 2: Any code section of the Whitewater Municipal Code in conflict herewith are hereby repealed.

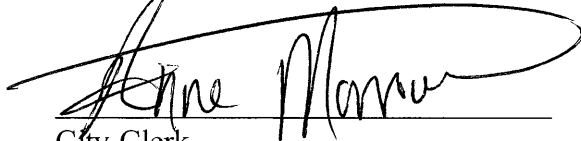
Section 3: Ordinance shall be in full force and effect from and after its publication once in the official city newspaper.

PASSED by the Governing Body of the City of Whitewater, Kansas, and
APPROVED and signed by its Mayor, this 23 day of June 2025



Mayor

ATTEST:



City Clerk