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ORDINANCE NO. G-1418

AN ORDINANCE amending Section 34-71 and Sections 34-73 through 34-85 of the Pittsburg City Code to change all references from Class C fireworks to consumer fireworks, set forth a definition thereof, and providing parameters and restrictions on the sale, storage, and use of consumer fireworks.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PITTSBURG, KANSAS:

Section 1. Section 34-71 of the Pittsburg City Code is hereby amended to read as follows:

Sec. 34-71. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(a) Consumer fireworks means any small firework device designed to produce visual effects by combustion and which must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission, as set forth in title 16, Code of Federal Regulations, parts 1500 and 1507. Some small devices designed to produce audible effects are included, such as whistling devices, ground devices containing 50 mg or less of explosive materials, and aerial devices containing 130 mg or less of explosive materials. Consumer fireworks are classified as fireworks UN0336, and UN0337 by the US Department of Transportation at 49 CFR 172.101. This term does not include fused set pieces containing components which together exceed 50 mg of salute powder.

(b) Seasonal retailer means a person who receives consumer fireworks and sells, delivers, cosigns, gives or otherwise furnishes consumer fireworks only to the public for their personal use and only during the period of June 20 through July 7 of a calendar year.

(c) *Person* means any individual, partnership, firm, company, association, corporation, not-for-profit organization, municipality or limited liability corporation.

Sec. 34-73. Sales, ignition or discharge prohibited; exception.

Except as allowed pursuant to a duly issued special events permit, it shall be unlawful to sell, offer for sale, ignite, or discharge within the City limits any pyrotechnic device other than consumer fireworks.

Sec. 34-74. Retail license.

(a) *Required.* Every business, person, firm, organization or corporation offering for sale at retail consumer fireworks permitted by state regulations and Section 34-71 shall obtain an annual temporary license from the finance department for each location from which the applicant proposes to sell or offer for sale such fireworks at retail. No license shall be issued until the applicant submits a request by completing an application on a form prepared by the City at least fifteen (15) days prior to commencing such sales and pays the license fees established by the Governing Body. Prior to opening each location for sales, the premises shall be inspected and approved by the City Fire Department and the Building Official, with the only locations to be approved being in an area where retail sales are allowed and adequate off-street parking is

provided pursuant to the zoning ordinance and in accordance with the version of the Uniform Building Code then in effect. Licenses granted under this Section shall be valid during any year only so long as consumer fireworks may be lawfully sold pursuant to Section 34-77. No license shall be issued to any business, person, firm, organization or corporation who, within the past five (5) years, has been convicted of or has had a license or permit revoked for a violation of applicable state or federal laws, City ordinances or state regulations regulating the sale or discharge of pyrotechnic devices, and no license shall be issued for any location to be operated by a manager or agent unless such manager or agent would be eligible to hold the license himself or herself.

(b) *Fee.* Prior to the issuance of a license, the licensee shall pay a license fee for each location, in an amount established by the Governing Body.

(c) *Revocation.* Licensees shall at all times conduct their operations according to the terms of the license, applicable state and federal law, City ordinances and rules and regulations of the state fire marshal. Licenses may be revoked on the order of either the Building Official or the Fire Chief or his or her designee, upon it being determined that the licensee has violated the terms of the license, state or federal law, City ordinances, rules and regulations of the state fire marshal or has made a material false statement on the application form.

Sec. 34-75. Proper signage on premises.

All licensees shall display a sign reading "FIREWORKS —NO SMOKING OR OPEN FLAMES" at the location where consumer fireworks are being displayed or offered for sale.

Sec. 34-76. Seasonal stands.

No consumer fireworks seasonal stands shall be located within forty (40) feet of any structure with each stand adhering to the setback requirements of the zoning ordinance. All stands shall be removed by July 9 or by the first Monday after July 9 if that date falls on a weekend.

Sec. 34-77. Days retail seasonal sales permitted.

No business, person, firm, organization or corporation shall deliver, give away or sell consumer fireworks at retail, whether out of seasonal fireworks stands or buildings or other locations, or deliver such consumer fireworks purchased by mail order except during the period of June 20 through July 7 of a calendar year.

Sec. 34-78. Unlawful discharge.

It shall be unlawful to ignite or discharge consumer fireworks within 1,000 feet of any hospital, sanitarium or infirmary; into, under or on a car or vehicle, whether moving or standing still; or on a public roadway, an alley or in a public park or on public property unless a special events permit has been issued. Consumer fireworks shall not be discharged within fifty (50) feet of a location where such fireworks are sold at retail or any facility where fireworks are stored.

Sec. 34-79. Storage.

Consumer fireworks shall not be sold or kept for sale or stored in any building except in a separate and distinct Section of the building and only in accordance with the version of building and fire codes then in effect.

Sec. 34-80. Fire extinguishers required.

Two (2) accessible and inspected fire extinguishers must be provided and kept in close proximity to the stock of consumer fireworks in all buildings and seasonal stands where such fireworks are sold.

Sec. 34-81. Storage, sale, or discharge near fuel.

Consumer fireworks shall not be stored, kept, sold, or discharged within fifty (50) feet of any fuel pump, fuel dispenser, filling station, or building in which fuel or volatile liquids are sold in quantities exceeding one (1) gallon, except in stores where cleaners, paints, and oils are handled only in sealed containers. Consumer fireworks shall not be stored, kept, sold, or discharged within one hundred (100) feet of any bulk fuel storage tank or bulk fuel storage facility.

Sec. 34-82. Discharge or ignition prohibited; exceptions, regulations and hours.

No person, shall ignite, discharge or knowingly authorize the ignition or discharge of any consumer fireworks inside the City limits except during the period of June 20 through July 7 of a calendar year; provided, however, that it shall be unlawful to ignite or discharge such fireworks between the hours of 10:00 p.m. and 7:00 a.m. on any day except the July 4 when it shall be lawful to ignite and discharge such fireworks from the hours of 7:00 a.m. on July 4 until 12:00 a.m. on July 5, or unless in connection with a special events permit issued pursuant to the City's zoning ordinance.

Sec. 34-83. Residential storage.

It shall be unlawful to store consumer fireworks in occupancies classified as residential except for the personal use of persons residing therein.

Sec. 34-84. Storage areas permitted.

All consumer fireworks shall be displayed, kept, stored or located only in areas and places and during the times when permitted in compliance with state law and the rules and regulations of the state fire marshal, as amended from time to time.

Sec. 34-85. Throwing.

It shall be unlawful for any person to throw, cast, fire or propel a pyrotechnic device of any kind in the direction of or into the path of any person or group of persons, or vehicle, or from a vehicle.

Section 2. This Ordinance shall take effect upon its passage and publication in the official city newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY ON THIS 27th DAY OF OCTOBER, 2026.

Chuck Munsell

Mayor-Chuck Munsell

ATTEST:

Tammy Nagel

Tammy Nagel - City Clerk

CITY OF PITTSBURG
CITY CLERK
CRAWFORD COUNTY KANSAS