

RESOLUTION 2013-18

FIREWORKS SALE PERMITS

Rescinding Resolution 2013-10, Same, Adopted the 13th day of May, 2013

WHEREAS, K.S.A. 19-1901, et. seq. defines the County Commissioners' powers of local legislation and authority for enforcement of resolutions; and

WHEREAS, with the adoption of Resolution 2013-18, Barton County Resolution 2013-10, Fireworks Sale Permits, dated May 13, 2013, shall be rescinded.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Barton County, Kansas, that effective upon publication hereof, the sale of fireworks shall be regulated in the unincorporated areas of Barton County, Kansas:

1. Fireworks shall be defined as those devices designed to produce a display of light, noise and/or smoke by the combustion of explosive or flammable materials.
2. This Resolution shall, in no way, alter, amend or modify any restriction or ordinance in affect, or hereafter put into effect, in any incorporated city within Barton County, Kansas.
3. It shall be unlawful for any persons or organizations to sell at retail any type of fireworks, without first securing a permit, from the Barton County Environmental Management Division or a designated agent thereof from the Offices of Barton County, Kansas. The permit shall be issued upon proper completion, payment of fees and verification by the Barton County Environmental Management division or his designee, the Fire Chief of the district in which the fireworks stand is physically located, or his designee, that the applicant is in compliance with all laws and Kansas Administrative Regulations, Chapter 22, Article 6, Fireworks.
 - A. Permits issued shall be valid from June 27 through July 4 of the year specifically stated on the permit.
 - B. Any permit issued shall be valid only at the location specifically stated on the permit issued hereunder.
 - C. Payment schedule for fees shall be published at least one time in the official County newspaper before the tenth day of June of each year.
4. The fee for such permit shall be based upon square footage as follows:

SIZE	PRICE
0 - 300 sq. ft.	\$ 50.00
301 - 1,000 sq. ft.	\$ 125.00
1,001 - 2,000 sq. ft.	\$ 225.00
2,001 - 3,000 sq. ft.	\$ 325.00
3,001 sq. ft. or larger	\$ 400.00

5. The issued permit shall be posted in a conspicuous place inside the fireworks stand.
6. Fireworks stands shall be removed from sites within three days of closing of the stand for business.

7. Fireworks stands larger than 144 square feet must meet the following setback requirements:

SIZE	LOCATION FROM NEAREST BUILDING
144 - 300 sq. ft.	50 ft.
301 - 1,000 sq. ft.	100 ft.
1,001 sq. ft. or larger	125 ft.

8. The fees paid by fireworks vendors pursuant to this Resolution shall be reimbursed to the participating fire department which has jurisdiction over the area in which the fireworks stand is physically located. A 25% processing fee will be retained by Barton County, and 75% of the monies collected pursuant to the fee schedule will be delivered to the appropriate fire department.
9. Operating a fireworks stand without a permit will be deemed to be a violation of this Resolution. Provisions of K.S.A. 19-4701 et. seq. will apply. The fine for failure to have a permit will be \$250.00 a day for every day that fireworks are sold without having obtained a permit from the Barton County Environmental Management Division for sale of such fireworks.
10. Notification of this Resolution, and the annual fee schedule, shall be published in the official County newspaper before the tenth day of June of each year. Failure of any persons to receive or have knowledge of said notice shall not in any way affect the legality or enforcement of the provisions of this Resolution.

FURTHER, that this Resolution shall become effective upon publication of this Resolution in the official County newspaper.

MOTION MADE AND ADOPTED by the Board of County Commission of Barton County, Kansas, this 26th day of August, 2013.

BOARD OF COUNTY COMMISSIONERS



Don Cates, Chairman



Don Davis, Commissioner



Homer Kruckenberg, Commissioner



Jennifer Schartz, Commissioner



Kenny Schremmer, Commissioner

ATTEST:



Donna Zimmerman, County Clerk

APPROVED AS TO FORM:



Richard A. Boeckman,
County Counselor

