RESOLUTION 2026-20

FIREWORKS SALE PERMITS AND RESCINDING RESOLUTION 2013-18, SAME, ADOPTED AUGUST 28, 2013

WHEREAS, K.S.A. 19-101a, et. seq. defines the County Commissioners' powers of local legislation and authority for enforcement of resolutions.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Barton County, Kansas, that effective upon publication hereof:

SECTION 1 – the Seasonal Sale of fireworks shall be regulated in the unincorporated areas of Barton County, Kansas:

1. Per the Kansas Fireworks Act found in K.S.A. 31-5101, et. seq. the definition of a Seasonal Retailer means a person who receives consumer fireworks and sells, delivers, consigns, gives, or otherwise furnishes consumer fireworks only to the public for their personal use and only during the period of June 27 through July 4 of a calendar year.

2. Fireworks shall be further defined as those devices designed to produce a display of light, noise, and/or smoke by the combustion of explosive or flammable materials.

3. This Resolution shall, in no way, alter, amend, or modify any restriction or ordinance in effect, or hereafter put into effect, in any incorporated city within Barton County, Kansas.

4. 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.

5. The fee for such permit shall be based upon square footage as follows:

SIZE	PRICE
0,000 – 0,300 sq. ft.	$50.00
0,301 – 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

6. The issued permit shall be posted in a conspicuous place inside the fireworks stand.

7. Fireworks stands shall be removed from sites within three days of closing of the stand for business.

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

SIZE	LOCATION FROM NEAREST BUILDING
0,144 – 0,300 sq. ft.	25 ft.
0,301 – 1,000 sq. ft.	35 ft.
1,001 sq. ft. or larger	50 ft.

9. 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.

10. 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.

11. 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.

SECTION 2 – the sale of fireworks by a Permanent Retailer as defined by the Kansas Fireworks Act found in K.S.A. 31-501, et. seq. shall be regulated in the unincorporated areas of Barton County, Kansas:

1. Per the Kansas Fireworks Act found in K.S.A. 31-501, et. seq. the definition of a Permanent Retailer means any person engaged in the year-round retail sale of consumer fireworks, including the receipt and possession with intent to sell of consumer fireworks and the retail sale, delivery, consignment, gifting or other distribution at retail of consumer fireworks to any person from a permanent structure at a permanent location within the state.

2. It shall be unlawful for any Permanent Retailer as defined in the Kansas Fireworks Act found in K.S.A. 31-501, et. seq. to operate in the unincorporated areas of Barton County, Kansas unless they have met the specific inspection requirements, licensing requirements, and registration requirements set by the State Fire Marshall's Office of Kansas and may operate only during the period of December 24 through January 1 of a calendar year.

3. The issued permit, license and / or registration as obtained by the State Fire Marshall's Office of Kansas shall be posted in a conspicuous place inside the Permanent Retailer Structure.

4. Operation of a Permanent Retailer for the purpose of selling fireworks without an inspection, license and registration from the State Fire Marshall's Office of Kansas will be deemed to be a violation of this Resolution. Provisions of K.S.A. 31-501, et. seq. will apply. The fine for failure to comply will be regulated by the State Fire Marshall's Office of Kansas.

FURTHER, that Resolution 2013-18, Fireworks Sale Permits, dated August 28, 2013, is hereby rescinded.

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

ADOPTED this 20th day of October, 2026.

BARTON COUNTY COMMISSIONERS

Chairman Duane Reif

Commissioner Barb Esfeld

ABSENT
Commissioner Shawn Hutchinson

Commissioner Tricia Schlessiger

Commissioner Donna Zimmerman

ATTEST:

BARTON COUNTY KANSAS SEAL COUNTY CLERK

Bev Schmeidler
County Clerk

APPROVED AS TO FORM:

ELECTRONIC APPROVAL
Todd D. Powell,
County Counselor