(First published in the Dighton Herald on Wednesday, June 19, 2019)

ORDINANCE NO. 689

OF THE CITY OF DIGHTON, KANSAS

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Dighton, Kansas, that Chapter VII, Article 3, Fireworks be amended to read as follows:

ARTICLE 3. FIREWORKS

7-301. FIREWORKS DEFINED. For purposes of this article, the term Fireworks shall mean

those items as defined by the rules and regulations of the Kansas State Fire

Marshal, and shall include but not be limited to: firecrackers, torpedoes,

sparklers, Roman candles, sky rockets, pin wheels, cap of toy pistols (except

such pistols or any like device designed to discharge paper caps containing not

more than .25 grains of explosive mixture), canes, bombs, cannons or other like

devices and all classes of fireworks that may be shot into the air or propelled

over the ground by explosive discharges or any device using blank cartridges.

PROVIDED, nothing in this article shall be construed as applying to:

(1) Toy paper caps containing not more than .25 of a grain of

explosive composition per cap; and

(2) The manufacture, storage, sale or authorized use of signals

necessary for the safe operation of railroads or other classes of

public or private transportation; and

(3) The military or naval forces of the United States or of this

state while in the performance of official duty; and

(4) Law enforcement officers while in the performance of

official duty; or

(5) The sale or use of blank cartridges for ceremonial, theatrical

or athletic events.

(Ord. 634; Code 2011)

7-302. UNLAWFUL STORAGE, SALE, OR DISCHARGE OF FIREWORKS. (1) The storage

of fireworks for ultimate sale, and the sale of all fireworks, shall occur only at

sites inspected and approved, in writing, by the city fire chief and said storage

and sale shall be subject to all conditions imposed by the city fire chief which

shall include but not be limited to providing proof of adequate liability insurance;

and further, the storage and sale of fireworks shall be subject, at all times, to the

Zoning Ordinance of the City of Dighton, Kansas.

(2) Except as allowed in paragraph (4), no person, firm, corporation

or other entity shall discharge any fireworks anywhere in the city except

between the hours of 8:00 a.m. and 11:00 p.m. on July 1 through July 6;

PROVIDED, that the city fire chief is authorized to ban such discharge if dry

conditions exist and notice of such ban is published in the official city

newspaper on or before June 20.

(3) The sale, offer to sell, possession with intent to sell, possession

with intent to offer to sell, and, further, the ignition, firing, setting off or

otherwise using bottle rockets or any fireworks, the use and/or sale of which

is prohibited by Kansas state law or regulation, is correspondingly prohibited

hereunder.

(4) The Dighton City Council at its discretion and by a majority

vote when a quorum is present, may allow discharge of fireworks in the city at

different dates and times than listed in paragraph (2) above when it is shown to

the Council that such fireworks can be safely discharged.

(Ord. 634; Code 2011)

(5) It shall be unlawful for any person to discharge any fireworks on City owned property.

7-703. THROWING PROHIBITED. It shall be unlawful for any person to throw, cast or

propel fireworks of any kind in the direction of or into the path of any animal,

person or group of persons, or from, in the direction of or into any vehicle of any

kind. (Ord. 634; Code 2011)

7-304. SAME; EXCEPTION; SALE OF FIREWORKS. Any person who has first obtained a

valid permit to sell fireworks within the city may do so between the hours of

8:00 a.m. and 11:00 p.m. commencing on July 1 and extending through July 5th

of each year. (Ord. 634; Code 2011)

7-305. AUTHORITY OF FIRE CHIEF. The fire chief of the city is authorized to seize and

confiscate all fireworks which are kept, stored or used in violation of any section

of this article, and/or in violation of the rules of the Kansas State Fire Marshal

and/or in violation of the laws of the State of Kansas. The fire chief of the city

shall dispose of all such fireworks as directed by the Governing Body.

(Ord. 634; Code 2011)

7-306. PENALTIES. Any person who violates any provision of this Article 3 of Chapter

VII of the Code of the City of Dighton, Kansas, shall be subject to the general

penalties provided in Chapter 1, Section 1-116 of the Code of the City of Dighton,

Kansas, to-wit:

(a) A fine of not more than $1,000; or

(b) Imprisonment in jail for not more than 179 days; or

(c) Both such fine and imprisonment not to exceed (a) and (b) above.

(Ord. 634; Code 2011)

7-307. REPEAL. Any ordinances or portions thereof of the City of Dighton, Kansas, in

conflict herewith, are hereby deemed repealed. (Ord. 634; Code 2011)

7-308. SEVERABILITY. If, for any reason, any portion, section, subsection, sentence,

clause or phrase of this Article or the application thereof to any person or

circumstance is declared to be unconstitutional or invalid or unenforceable,

such decision shall not affect the validity of the remaining portions of this

Article. (Ord. 634; Code 2011)

PASSED AND APPROVED UNANIMOUSLY ON JUNE 10, 2019, by the City Council of the City of Dighton, Lane County, Kansas, referred to herein as the Governing Body of the City of Dighton, Kansas.

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Doyle Capra, Mayor

ATTEST:

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Chelle J. Anderson

City Clerk, Dighton, Kansas

(SEAL)

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NOTE TO PUBLISHER: Please publish once in your newspaper on Wednesday, June 19, 2019, and provide the City Clerk, PO Box 848, Dighton, Kansas, with your Affidavit of Publication and billing statement.