

(First published in the Dighton Herald on Wednesday, June 22, 2022)

ORDINANCE NO. 705 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 10:00 a.m. and 11:00 p.m. on June 27 through July 5;**

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 10:00 a.m. and 11:00 p.m. commencing on June 27 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 13 2022, 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.

Annita Lorimor, Mayor

ATTEST:

Nicole Strobel
City Clerk, Dighton, Kansas

(SEAL)

NOTE TO PUBLISHER: Please publish once in your newspaper on Wednesday, June 22, 2022, and provide the City Clerk, PO Box 848, Dighton, Kansas, with your Affidavit of Publication and billing statement.
