

ORDINANCE NO. 82-8

AN ORDINANCE ON REGULATIONS GOVERNING COMMON FIREWORKS - SALE OF, HOURS OF DISCHARGE, TYPES, PENALTIES, AND REPEALING ANY ORDINANCE OR SECTION THEREOF IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GALENA:

Section 1. That below described and approved "common fireworks" may be set-off or discharged, under certain conditions contained in the sections of this ordinance, within the city limits, of the City of Galena, Kansas.

Definitions.

(A) Class C fireworks (common fireworks) means fireworks designed primarily to produce visible effects by combustion. The definition of class C fireworks is based on the definition of the United States department of transportation of common fireworks (code of federal regulations, title 49, para. 173.100(R)). Some small devices designed to produce an audible effect are included, but only when containing two (2) grains or less of pyrotechnic compositions. Propelling or expelling charges consisting of a mixture of sulfur, charcoal, and potassium nitrate (saltpeter) are not considered as designed to produce an audible effect.

(B) Nothing in this regulation shall be construed as applying to toy smoke devices defined as smoke balls, or tubes containing a pyrotechnic mixture which upon ignition produces a visible cloud of colored smoke (white and black smokes are considered colored); or to toy paper caps containing not more than twenty-five (25) hundredths of a grain of explosive composition per cap, and to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation, not applying to the military or naval forces of the United States or of this state, or to peace officers, nor as prohibiting the sale or use of blank cartridges for ceremonial or theatrical or athletic events, nor as prohibiting the firing of sky rockets or missiles when produced by a science class of any school and when under supervision of the science instructor and when the place and time of firing the sky rockets or missiles has been approved by the fire chief. (Authorized by K.S.A. 1972 Supp. 31-133 effective Jan.1, 1973.)

Section 2. Approved Fireworks. The use of the following fireworks is hereby approved within the city limits of Galena, Kansas except that prohibited items may be used for public display purposes and except possession of prohibited items by jobbers, wholesalers, and manufacturers for shipment to other states.

Approved: All pyrotechnic items classified as class C fireworks (common fireworks) by the United States department of transportation and/or interstate commerce commission, and in accordance with 22-6-11, and listed as follows:

- (1) Roman candles, not exceeding 10 balls with total pyrotechnic composition not exceeding 20 grams in weight and inside tube diameter not exceeding three-eighths inch.
- (2) Skyrockets with sticks, total pyrotechnic composition not exceeding 20 grams in weight, and inside tube diameter not one-half inch, provided they have been approved in accordance with 22-6-11.
- (3) Helicopter-type rockets, total pyrotechnic composition not exceeding 20 grams in weight, and inside tube diameter not exceeding one-half inch.

- (4) Cylindrical fountains, with total pyrotechnic composition not exceeding 75 grams in weight, and inside tube diameter not exceeding three-fourths inch.
- (5) Cone fountains, with total pyrotechnic composition not exceeding 50 grams each in weight.
- (6) Wheels, with total pyrotechnic composition not exceeding 60 grams for each driver unit or 240 grams for each wheel, and with inside tube diameter or driver units not exceeding one-half inch.
- (7) Illuminating torches and colored fire in any form, with total pyrotechnic composition not exceeding 100 grams each.
- (8) Dipped sticks, the pyrotechnic composition of which contains any chlorate or perchlorate not exceeding five (5) grams, and all sparklers.
- (9) Mines and shells, of which the mortar is an integral part, total pyrotechnic composition not exceeding 40 grams in weight.
- (10) Firecrackers and salutes with casings, with external dimensions not exceeding one and one-half inches in length and one-quarter inch in diameter, and total composition not exceeding two grains each in weight.
- (11) Novelties consisting of two or more devices enumerated in items 1-10 of this definition. (Authorized by K.S.A. 1972 Supp. 31-133; effective Jan. 1, 1973.)

Section 3. Conditions: Common fireworks described in Section 2 of this ordinance shall not be set-off or discharged:

- (1) On any date, except the 3rd and 4th days of July annually, except when the 4th of July falls on a Sunday and the 5th day of July is declared a national holiday, between the hours of 9:00 A.M. and 10:30 P.M.
- (2) Unsafe to the person who set-off or discharged said "common fireworks" or any other person.
- (3) May be damaging to structures or public or private property.
- (4) On any city street, roadway, alleyway or sidewalk to include thrown or propelled in any manner of aforesaid fireworks.
- (5) On or at or in a damaging manner to animals, domestic or wild.

Section 4. It is hereby made unlawful for any parent, guardian, or other person having the legal custody of any person under the age of 18 years to allow or permit said minor to set-off or discharge any fireworks, contrary to this ordinance.

Section 5. Any person selling fireworks pursuant to the terms of this ordinance shall first obtain a fireworks permit from the City Clerk for the fee of Ten Dollars (\$10.00). Fireworks sold in accordance with this ordinance shall be done so only upon property that has previously been zoned as commercial. Any person handling or selling fireworks within the city limits of Galena, Kansas shall in all manner comply with the Kansas Statutes pertaining to the handling and sale of fireworks.

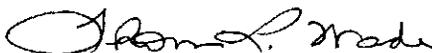
Section 6. Any other ordinance or section thereof in conflict herewith is hereby repealed.

Section 7. Any person found guilty of violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in sum not less than One Dollar (\$1.00) nor more than Fifty Dollars (\$50.00).

Section 8. This ordinance shall take effect and be in full force from and after its publication in the official city paper, The Galena Sentinel-Times

Passed by the Council this 1st day of June, 1982.

Approved by the Mayor:



Thomas L. Wade

ATTEST:



Barbara Wilkins, City Clerk

(SEAL)