

Published in the Herington Times June 7, 2018.

**ORDINANCE NO. 1804**

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF HERINGTON, KANSAS, TO REPEAL AND REPLACE CHAPTER V, ARTICLE 6, SECTION 5-603 REGULATING FIREWORKS IN THE CITY OF HERINGTON, KANSAS, ADOPTING CERTAIN RULES AND REGULATIONS OF THE KANSAS STATE FIRE MARSHALL DEFINING FIREWORKS, REGULATING THE USE AND PUBLIC DISPLAY THEREOF, AND PROVIDING FOR PERMITS FOR THE SALE OF SUCH FIREWORKS, AND REPEALING ANY OTHER CURRENT ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HERINGTON, KANSAS.**

**SECTION 1.** That Chapter V, Article 6, Section 5-603 of the Code of the City of Herington, Kansas, is hereby repealed and replaced in its entirety to read as follows:

**5-603. POSSESSION AND DISCHARGE OF FIREWORKS.**

(a) Discharge of fireworks, which are defined as "Class C Fireworks, not including "bottle rockets" by the Rules of Regulations of the Kansas State Fire Marshall shall be permitted on June 29<sup>th</sup> through July 4<sup>th</sup> between the hours of 12:00 pm (Noon) and 12:00 am Fireworks may be possessed June 29<sup>th</sup> through July 4<sup>th</sup>. Such dates and times may be modified annually by Resolution duly adopted by the Herington City Commission as noted in part (e) of this Section.

(b) The discharging, firing or igniting of fireworks, as defined in Section 5-601 of this Ordinance, is hereby prohibited except in areas provided in this ordinance that includes in residential areas on private property, or in designated public areas. An officer of the law observing reckless discharge of fireworks shall be authorized to confiscate all fireworks in the possession of the person recklessly discharging the same.

(c) It shall be prohibited to discharge or use fireworks in a reckless manner which creates a risk of injury, death, or damage to property.

(d) The Fire Chief has the authority to ban the discharge or use of fireworks within the city limits due to weather conditions or during any currently imposed burn ban currently applicable to the City of Herington, Kansas.

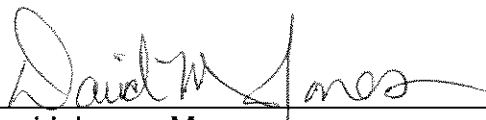
(e) The discharging, firing or igniting of fireworks, as defined in Article 6 of this Chapter, is hereby prohibited except on dates and times as established by the Governing Body at least twenty-one (21) days prior to the 4th of July of each year. The Governing Body shall be responsible, with staff recommendation, for the establishment of said dates annually and shall so designate by Resolution lawfully adopted, and levels of fees charged pursuant to this ordinance. Fees shall likewise be established and reviewed, determined, and approved from time to time with staff recommendation and shall be set by resolution of the Governing Body as needed.

**SECTION 10. Repeal:** Chapter V, Article 6, Section 5-603 of the Code of the City of Herington is hereby repealed and all other Ordinances in conflict herewith are hereby repealed.


**SECTION 11. Effect:** This Ordinance shall take effect and be in force from and after its once publication in the official city newspaper.

**PASSED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF HERINGTON, KANSAS, THIS 5<sup>th</sup> DAY OF June, 2018.**

Signed by the Mayor this 5<sup>th</sup> day of June, 2018.

  
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David Jones, Mayor

ATTEST:

  
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Brenda Wildman, City Clerk

SEAL: