



CODE OF ORDINANCES  
Saline County, KS

**CHAPTER 10**  
**Fireworks**

*The resolutions in this chapter and all other chapters, sections, and appendices shall constitute and be designated the "Code of Saline County, KS". The construction of this codebook was done for the convenience of users of the Code and shall have no legal effect. The resolutions used for the construction shall supersede and have legal effect. Reference Chapter 1: Overview of Codes for further details.*

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**ARTICLE 10-1 FIREWORKS—DEFINITION, APPROVED, ILLEGAL, AND MANUFACTURE**

The term "fireworks" as used in this resolution shall be defined pursuant to K.S.A. 22-6, et seq.

- a. *Approved fireworks.* All fireworks offered for sale and discharge within Saline County, Kansas, outside the corporate limits of any city, shall be of a type that has been tested and approved for sale and use within the state by the state fire marshal, provided, however that bottle rockets shall not be sold or discharged within Saline County, Kansas, outside the corporate limits of any city.
- b. *Illegal fireworks.* Fireworks not licensed by the provisions of K.S.A. 22-6-7 and as specified in subsection (1) shall be illegal to be sold, possessed, manufactured or transported. Fireworks which are illegally sold, offered for sale, used, discharged, possessed or transported in violation of this resolution shall be subject to seizure by any law enforcement official, the chief or designated representative of any organized fire department.



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- c. *Manufacture of fireworks.* It shall be unlawful to manufacture fireworks, either for retail sale or personal use, within Saline County, Kansas. (Res. No. 09-1999, Amend. #2, § 1, 8-31-10)
- d. *Temporary Structure.* A tent or structure without any foundation or footings which is removed when the designated time period, activity or use for which the temporary structure was erected has ceased.

## **ARTICLE 10-2 WHEN SALE OF FIREWORKS IS LAWFUL**

It shall be unlawful for any person, firm, or corporation to sell at retail, or to offer to sell at retail, deliver, or give away to individuals any fireworks as defined in [ARTICLE 10-1 FIREWORKS—DEFINITION, APPROVED, ILLEGAL, AND MANUFACTURE](#) except from 8:00 a.m. to 12:00 a.m. (midnight) June 27 through July 5 of any year.

(Res. No. 09-1999, Amend. #2, § 2, 8-31-10)

## **ARTICLE 10-3 PERMITS, LICENSE FEE, FIRE AND OTHER CODE INSPECTIONS**

Any person, firm or corporation prior to selling at retail, offering to sell at retail, delivering, or giving away to any individuals, any fireworks as defined in [ARTICLE 10-1 FIREWORKS—DEFINITION, APPROVED, ILLEGAL, AND MANUFACTURE](#), subsection (A) shall first apply to the county planning and zoning department on or before May 20 of any year for a consumer fireworks facility permit. A fee in the amount of \$1,000.00 shall be charged for each consumer fireworks facility permit application. The fee shall not be refunded upon revocation due to failure to comply, withdrawal, or cancellation of the application or permit. Said fee shall be distributed at the discretion of the county commission. Said fee shall be deposited into the Saline County Rural Fire Districts Communications fund that is established by Resolution.

Permits shall be issued pursuant to the zoning regulations of Saline County. In general, consumer fireworks facilities shall be permitted in all zoning districts (per Saline County Code, appendix A) but shall only be permitted in temporary structures. Consumer fireworks facilities will not be permitted in existing and/or permanent structures unless the existing or proposed structure is approved through a Conditional Use Permit, and Commercial permit review as outlined in Chapter 13, Part C (Res. 21-2350) of the zoning Resolution. Compliance with NFPA 1124, chapter 7 will be required for all consumer fireworks facilities; a copy of said regulations shall be provided to the applicant with the consumer fireworks facility permit application. Either the signature of the property owner or an authorized agent must be obtained for a permit application to be considered valid; if an agent signs the application, proof of authority to act as agent will be required. Applicants must also provide proof of liability insurance with the consumer fireworks facility permit submittal, written by an insurance carrier licensed to do business in Kansas, in the amount of \$1,000,000.00 at the time of application,



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with Saline County listed as an additional loss payee. A checklist of additional submittal items is included with the consumer fireworks facility permit application.

Applications will not be accepted by the planning and zoning staff until all required information is provided. Completed applications must be received by 5:00 p.m. on May 20 of each year and no deadline extensions will be granted. However, applicants will have until June 1 to correct any mistakes in an application. Inspections of consumer fireworks facilities may be scheduled from June 15 through June 20. For those facilities that do not pass the initial inspection, additional inspections may be scheduled from June 21 through June 26. If at any time during the process the applicant fails to meet a deadline, the consumer fireworks facility permit becomes null and void. If any deadlines fall on a Saturday or Sunday, then the deadline shall be considered to be the Friday preceding the actual deadline date.

Upon approval of a Saline County Consumer Fireworks Facility Permit for a location, the applicant shall then be authorized to begin construction and planning staff shall mail a copy of Saline County's "Fireworks Stand Instructions for Local Contacts" and a final inspection checklist to the local contact. Prior to occupancy, the facility shall be inspected. Once the facility has passed the inspection, the license shall be issued to operate at that location during the period of June 27 through July 5 of that year and the facility may be stocked. No license will be issued until the facility has passed inspection and no merchandise may be placed on site until the license has been issued. The licensee shall prominently display the license and any applicable state fire marshal's office licenses at the facility.

(Res. No. 09-1999, Amend. #2, § 3, 8-31-10; Res. No. 09-1999, Amend. #3, § 3, 5-29-18)

## **ARTICLE 10-4 DISCHARGE OF FIREWORKS**

The following rules, conditions, and restrictions shall apply to the igniting or discharge of fireworks.

- a. It shall be unlawful for any person to discharge, fire, or ignite any fireworks as defined in [ARTICLE 10-1 FIREWORKS—DEFINITION, APPROVED, ILLEGAL, AND MANUFACTURE](#) except during the hours of 8:00 a.m. to 12:00 a.m. (midnight) on each day of the period of June 27 through July 5 of any year, except for licenses obtained under [ARTICLE 10-6 LICENSES FOR PUBLIC FIREWORKS DISPLAYS, JULY 1 THROUGH JULY 4 AND OTHER TIMES](#).
- b. A person shall not ignite or discharge fireworks within 100 feet of any hospital, sanitarium, or infirmary; into, under or on a car or vehicle, whether moving or standing still; or on a public roadway or the right-of-way adjoining a public roadway.
- c. Fireworks shall not be discharged within 300 feet of any retail fireworks stand or facility where fireworks are stored.
- d. 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 person or group of persons, whether on foot, bicycle, motorcycle or in a vehicle.



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- e. It shall be unlawful for any person to discharge, fire, or ignite any fireworks on private property without the express written consent of the property owner. Said written permission shall include the property owner's name, address, telephone number and signature.

(Res. No. 09-1999, Amend. #2, § 4, 8-31-10; Res. No. 09-1999, Amend. #3, § 3, 5-29-18)

## **ARTICLE 10-5 AERIAL LUMINARIES PROHIBITED**

It shall be unlawful to sell, ignite, or otherwise use an aerial luminary, commonly known as a sky lantern or a floating lantern, within the unincorporated areas of Saline County. As used in this section, "aerial luminary" refers to airborne paper objects containing a device for fuel that heats air from the inside causing it to rise into the air and remain airborne until extinguished, or other unmanned free floating device which includes a flame or other heating device to heat air as a lifting mechanism.

(Res. No. 09-1999, Amend. #3, § 3, 5-29-18)

## **ARTICLE 10-6 LICENSES FOR PUBLIC FIREWORKS DISPLAYS, JULY 1 THROUGH JULY 4 AND OTHER TIMES**

Any person, firm, or corporation desiring to provide a public fireworks display or for organized groups shall obtain a license to do so by making application at least thirty (30) days in advance of the desired display date. Application for licenses shall be submitted to the Saline County Emergency Management office for approval by the Board of County Commissioners. Applications for licenses may be obtained at the Emergency Management office, 255 N. 10<sup>th</sup> Street, Salina, KS.

- a. For the purposes of this Resolution, a public fireworks display is defined as an organized display using commercial grade fireworks and a licensed Fireworks Public Display Operator that is open to the general public for viewing, such as SkyFire, etc. Neighborhood and/or family-type displays using only consumer grade fireworks (Section 1a) during the June 27<sup>th</sup> through July 5<sup>th</sup> discharge dates are not considered public displays.
- b. Fireworks displays for private events such as weddings, parties, birthdays, anniversaries, and fundraisers that are outside of the June 27<sup>th</sup> through July 5<sup>th</sup> discharge dates may be allowed with the use of consumer grade fireworks (Section 1a) provided that all other requirements in Section 6 are followed.
- c. No license shall be approved unless the applicant furnishes a certificate of public liability insurance for the display in a minimum amount of \$1,000,000.00 written by an insurance carrier licensed to do business in Kansas, conditioned as being non-cancelable except by ten (10) days' advance written notice to Saline County Emergency Management. Said insurance policy shall provide indemnification of Saline County any and all loss incurred as a result of the operation of said fireworks display. In the event of cancellation of the insurance prior to the display, the license shall automatically be revoked and void.



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- d. Each display must be handled and discharged by a person licensed as a Fireworks Public Display Operator by the Kansas State Fire Marshal. A copy of the license shall also be included with the application.
- e. For displays using commercial grade fireworks, otherwise known as Class B fireworks, a fee in the amount of \$200 (two hundred dollars) shall be charged for each license for public fireworks displays and private events. Said fee shall be deposited into the Saline County Rural Fire Districts Communications fund that is established by Resolution. Should a not for profit entity apply for the license, this fee is waived providing tax exempt or not for profit documentation is received at the time of the license application.
- f. For displays using consumer grade fireworks, otherwise known as Class C fireworks, a fee in the amount of \$75 (seventy-five dollars) shall be charged for each license for a public fireworks display and private events outside of the June 27<sup>th</sup> through July 5<sup>th</sup> discharge dates. Said fee shall be deposited into the Saline County Rural Fire Districts Communications fund that is established by Resolution. Should a not for profit entity apply for the license, this fee is waived providing tax exempt or not for profit documentation is received at the time of the license application.
- g. The property owner will be required to sign the permit application providing their permission for the display to occur.
- h. In all cases, the Rural Fire District Chief and/or the Director of Emergency Management or their representatives shall have the authority to stop any display if any condition exists that threatens or endangers life or property.

(Res. No. 09-1999, Amend. #2, § 5, 8-31-10; Res. No. 09-1999, Amend. #3, § 3, 5-29-18)

## ARTICLE 10-7 RETAIL DISPLAY OF FIREWORKS—STORAGE, SALE, AND HANDLING

The following restrictions and conditions must be met in locations where fireworks are available for sale to the public:

- a. All retailers are forbidden to expose fireworks where the sun shines through glass on the merchandise displayed, except where such fireworks are in the original package, and all fireworks kept for sale on front counters must remain in original packages, except where an attendant is on constant duty at all times at counters where such fireworks are on display; provided, however, that fireworks in open stock may be kept in showcases or counters out of reach of the public without an attendant being on duty. Signs reading "FIREWORKS FOR SALE—NO SMOKING ALLOWED" in letters at least two inches tall shall be displayed in the section of the store set aside for the sale of fireworks. For small structures temporarily erected to be used as a place for storing and selling fireworks only, such sign shall be posted on the front of the structure.
- b. Fireworks shall not be sold or kept for sale in a place of business where paints, oils, varnishes, turpentine or gasoline or other flammable substances are kept in unbroken containers, unless in a separate and distinct section or department of the store.



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- c. Two U.L. listed 4A:80B:C (10#) fire extinguishers must be provided and kept in close proximity to the stock of fireworks in all buildings where fireworks are sold. Small fireworks structures (less than 800 square feet) shall have at least one U.L. listed 4A:80B: C (10#) fire extinguisher in close proximity to the stock of fireworks.
- d. Fireworks shall not be stored, kept, sold, or discharged within 50 feet of any gasoline pump, gasoline filling station, gasoline bulk station or any building in which gasoline or volatile liquids are sold in quantities in excess of one gallon, except in stores where cleaners, paints, and oils are handled in sealed containers only.
- e. Fireworks shall not be allowed to be discharged within 300 feet of any facility, permanent or temporary, from which fireworks are offered for retail sale. At least one sign that reads as follows, in letters at least four inches high on a contrasting background, shall be conspicuously posted on the exterior of each side of the structure "NO FIREWORKS DISCHARGE WITHIN 300 FEET."
- f. Temporary consumer fireworks facilities must be at least 50 feet from any other tent, stand, building or fireworks storage area. Structures must be at least ten feet from any vehicle parking area.

(Res. No. 09-1999, Amend. #2, § 6, 8-31-10)

**ARTICLE 10-8 ENFORCEMENT, PENALTY AND INDEMNIFICATION**

Any authorized representative of Saline County Emergency Management, the Saline County Planning and Zoning Department, the Saline County Sheriff's Office or any Saline County Fire District may periodically inspect any consumer fireworks facility for compliance with applicable laws and standards. The authorized representative shall have the authority to close any consumer fireworks facility found to be operating in violation of this resolution, or in violation of any other license or permit required by law.

Any person or entity that elects to discharge fireworks as provided herein shall assume all liability with regard to the discharge of said fireworks. Said assumption of liability shall include the indemnification of Saline County, Kansas, of any and all claims or losses resulting from the discharge of fireworks from said individual or entity. In addition, any person, firm, or corporation violating any provisions of this article, or doing any of the acts or things prohibited by this article or by law, or failing or refusing to perform any duty imposed by this article shall, upon conviction thereof, be fined not more than \$500.00 or sentenced to not more than six months in the Saline County Jail or be both so fined and imprisoned. Said penalty provision shall be in addition to all other penalties as provided by law.

(Res. No. 09-1999, Amend. #2, § 7, 8-31-10)



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**ARTICLE 10-9 BURN BAN EXCEPTION**

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If the governor has issued a statewide burn ban or the board of county commissioners has issued a proclamation of a state of local disaster for Saline County, Kansas, pursuant to K.S.A. 48-932 that places a ban on open burning, there shall be no sale or discharge of fireworks during the time frame specified in the resolution.

(Res. No. 09-1999, Amend. #2, § 8, 8-31-10)