

ORDINANCE No. 335

An ordinance providing for the regulation of the discharge of fireworks in the City of South Haven, Kansas, and providing penalties for the violation thereof.

Whereas, it is in the public interest to regulate the discharge of fireworks within the city limits of the City of South Haven, Kansas; therefore,

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SOUTH HAVEN, KANSAS:

Section 1. Definitions.

- a.) FIREWORKS. Fireworks are defined as any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, and that meets the definition of consumer fireworks or display fireworks.
- b.) CONSUMER FIREWORKS. Consumer fireworks, also known as 1.4G Fireworks. Commonly known as Class C fireworks or Common Fireworks.
- c.) DISPLAY FIREWORKS. Display fireworks, also known as 1.3G Fireworks. Commonly known as Class B fireworks or Special Fireworks for large displays.

Section 2. Discharge of fireworks within city limits, date and time limitations.

Fireworks shall only be allowed to be discharged from June 30 through July 6, during the following hours: 10am – 11pm Mondays through Thursdays, 10am – midnight on July 4 and allowed days that fall on a Friday, Saturday, or Sunday.

Section 3. Exceptions, Special Event Fireworks Permit required. Revocation.

- a.) The city may, at its discretion, at any time not within the permitted discharge dates/times pursuant to Section 2 of this ordinance, grant permission to individuals or organizations for the display of fireworks with a Special Event Fireworks Permit. The cost of the permit will be \$25.
- b.) Individuals or organizations shall make application at least thirty days in advance of the desired display and approval of the permit shall be by the governing body. No permit shall be issued if the location, nature of the fireworks, or other relevant factor is such as to create an undue hazard or risk of harm or damage to persons or property.
- c.) The application of the permit shall clearly state:
 - 1. The name of the applicant and contact information.
 - 2. The group for which the display is planned.
 - 3. The location, date, and time of the display.
 - 4. Description of the approximate number and kinds of fireworks to be used and the name of the person, firm, or corporation that will make the actual discharge of the fireworks.
 - 5. Anticipated need for fire or other municipal services.
- d.) Permit holders shall at all times conduct their operations according to the terms of the permit, applicable state and federal law, city ordinances, and rules and regulations of the state fire marshal. Permits may be revoked on the order of the Fire Chief or any member of the governing body upon consultation with the Fire Chief, upon it being determined that the permittee has violated the terms of the permit, state or federal law, city ordinances, rules and regulations of the state fire marshal, or has made a material false statement on the application form.

Section 4. Discharge on streets and public property prohibited. It shall be unlawful for any person to discharge any fireworks upon any public property, including but not limited to public streets, alleys, right-of-ways, sidewalks, park, or any other public property in the city.

Section 5. Prohibited actions.

- a.) It shall be unlawful for any person to throw, cast, or propel any fireworks of any kind in the direction of or into the path of any animal, person, or vehicle. It is also unlawful to discharge or ignite fireworks under or on cars and/or other types of vehicles.
- b.) It shall be unlawful to modify fireworks for use other than intended.
- c.) It shall be unlawful to use illegal fireworks such as bottle rockets or any other firework containing a stabilizing stick.
- d.) It shall be unlawful for any person or organization to give any display of fireworks outside of the permitted allowable discharge dates and times (Section 2) without having first obtained a Special Event Fireworks permit thereof from the city.

Section 6. Enforcement. The following individuals are hereby designated as Enforcing Officers to be charged with the administration and enforcement of this ordinance: members of the governing body (mayor, council members), city employees (maintenance, city clerk, deputy city clerk), and the South Haven Fire Department Fire Chief, Assistant Fire Chief, Captain, and/or Lieutenant.

Section 7. Failure to comply, Penalties. The failure or refusal of any person to comply with any of the provisions of this ordinance and the violation of any provision of the ordinance shall constitute a misdemeanor. Any person guilty of any violation of any provision of this ordinance shall, on conviction thereof, be subject to punishment allowed by law.

- a.) Class C misdemeanor with fines up to \$500, confinement in the county jail for no longer than one month, or both.
- b.) Each day that any violation occurs constitutes a separate offense and is punishable as a separate violation.

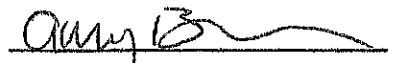
Section 8. Effective date. Ordinance No. 335 shall be in effect and full force from and after its adoption and publication one time in the official city newspaper.

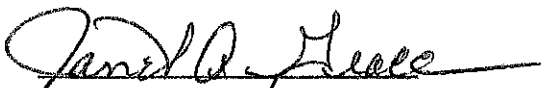
Passed and approved by the governing body of the City of South Haven, Kansas, this 2nd day of June, 2025.

(SEAL)


Jessica Brown, Mayor

Attest:


Amy Brown, Deputy City Clerk


Janet Grace, City Clerk

Approved as to form:


Matthew Metcalf, City Attorney