

[A summary of this ordinance was published in the *Clarion* on November 23, 2017]

ORDINANCE NO. 939

**AN ORDINANCE OF THE CITY OF MAIZE, KANSAS,
AMENDING SECTION 7-201(d) OF THE CODE OF THE CITY OF
MAIZE, KANSAS, RELATING TO PERMITS TO SELL
FIREWORKS, AND REPEALING THE EXISTING SECTION 7-
201(d) OF THE CODE OF THE CITY OF MAIZE, KANSAS.**

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

Section 1. Section 7-201(d) Amended. Section 7-201(d) of the Code of the
City of Maize, Kansas, is amended to read as follows:

(d) PERMITS FOR SALE OF FIREWORKS REQUIRED; FEE;
ISSUANCE.

(1) It is unlawful for a person to sell, display for sale, offer to sell or
give away Consumer Fireworks within the City limits, without first securing a
permit to do so from the City Clerk of the City. A permit shall authorize a
holder of a permit to sell and display Consumer Fireworks from June 27 to
July 5 of the year the permit is issued.

(2) Applications for a permit shall be submitted by a not-for-profit
organization from the City. Only one permit per organization will be allowed.
Applications for a permit shall be submitted on forms prepared by the City.

(3) The permit fee for a permit to sell and display Consumer
Fireworks shall be Four Thousand Dollars (\$4,000.00) per premises and
shall be paid to the City at the time an application is submitted. The permit
fee is non-refundable regardless of whether an application is denied based
upon failure to qualify for a permit or whether the permit is withdrawn or
canceled after it has been issued.

(4) A permit will not be issued if the selling of Consumer Fireworks
would not be in compliance with pertinent City Codes, State statutes and
State regulations, and a permit shall not be issued for a location unless and
until the location has been inspected and approved for compliance with
Sedgwick County resolutions and regulations by a Sedgwick County
inspector. The number of permits issued for any given year shall not exceed
seven (7).

(5) Applications for permits to sell Consumer Fireworks shall not be
submitted to the City before the first City business day of February of each
year.

(6) Holders of permits in 2008 shall receive a preference for a permit
each year. In the event a holder of a permit in 2008 chooses not to apply for
a permit prior to the last City business day of March of the then current year,
their permit will be sold to another applicant and they forfeit any future
preferential claims.

(7) Applicants that did not hold a permit in 2008 shall make application for a permit by no later than the first City business day following March 14 of each year.

(8) A lottery to be conducted by the City Administrator of the City shall be held at 2:00 p.m. at City Hall on the first City business day following March 15 of each year if the non-2008 applications exceed the number of permits that are available to be issued.

(9) The permits issued each year to the 2008 permit holders shall be for a Maize Road location, and each permitted location shall maintain a minimum distance of 1320 feet from the other permit holders. Other permitted locations shall not be located on Maize Road and shall maintain a minimum distance of 1320 feet from any other permit holder.

(10) If a 2008 permit holder chooses not to apply for a Consumer Fireworks permit or chooses to not locate on Maize Road, then a permit for the vacated Maize Road location shall be granted to a new applicant following the procedures that apply to obtaining a Consumer Fireworks permit for a non-Maize Road location.


(11) A permit holder under this Section 7-201(d) shall procure and maintain a policy of general liability insurance covering the selling and displaying of Consumer Fireworks under the permit in an amount of not less than one million dollars (\$1,000,000) per occurrence. Such insurance shall be with an insurance company authorized to do business in the State of Kansas. Prior to the issuance of a permit, an applicant for a permit shall file with the City Clerk of the City a certificate of insurance evidencing the insurance coverage specified herein. The City shall be named as an additional insured under such insurance coverage and the certificate of insurance shall show the City as an additional insured. Certificates of insurance shall provide that the City shall be given thirty (30) days written notice of any cancellation or material change in the coverage of such insurance.

Section 2. Repeal. The existing Section 7-201(d) of the Code of the City of Maize, Kansas, is hereby repealed.


Section 3. Effective Date. This ordinance shall become effective upon publication of a summary of the ordinance in the official City newspaper.

ADOPTED by the Governing Body, and APPROVED by the Mayor on this 13th day of November, 2017.

(SEAL)


Clair Donnelly, Mayor

ATTEST:


Jocelyn Reid, City Clerk

