

CHAPTER 3
EXPLOSIVES

SECTION:

- 7-3-1: Selling Restrictions
- 7-3-2: Certain Locations Of Sale Prohibited
- 7-3-3: Exploding; Firing On Designated Days And At Designated Times
- 7-3-4: Exploding, Firing; Location Restrictions
- 7-3-5: Illegal Fireworks And Explosives
- 7-3-6: Industrial Purposes; Exception
- 7-3-7: Penalty

7-3-1: **SELLING RESTRICTIONS:** It shall be unlawful for any person, partnership, or corporation, or any combination thereof, within the city to expose for sale, offer for sale, or sell any blank cartridge, firecracker, torpedo, skyrocket, or other fireworks or explosives of a like nature at retail:

- (A) Before June 27, 1980, and after July 5, 1980, and the same dates of each succeeding year thereafter; and
- (B) Except when the same are sold from an established place of retail business maintaining a fixed and permanent business location within the city;

except as otherwise specifically provided in this chapter. (Ord. 2541, 6-11-1980)

7-3-2: **CERTAIN LOCATIONS OF SALE PROHIBITED:** In no event shall any of the items described in section 7-3-1 of this chapter be exposed for sale, offered, or sold from any temporary stand or structure. (Ord. 2541, 6-11-1980)

7-3-3: EXPLODING; FIRING ON DESIGNATED DAYS AND AT DESIGNATED TIMES: It shall be unlawful for any person or persons to use, fire off, explode or cause to be exploded within the city:

- (A) Any fireworks or explosives described in section 7-3-1 of this chapter, except on the days such fireworks may lawfully be sold at retail;
- (B) Any fireworks or explosives described in section 7-3-1 of this chapter and which, when used, fired off or exploded, give an audible report, whistle, or similar noise, except on the days such fireworks may be lawfully sold at retail and then only between the hours of eight o'clock (8:00) A.M. and ten o'clock (10:00) P.M. of such days, other than within the confines of the north city park or at the Cedar Valley reservoir; provided, however, such fireworks may be used, fired off or exploded on July 4 between eight o'clock (8:00) A.M. and twelve o'clock (12:00) midnight of said day; and

7-3-3 (C) and (C) Any fireworks or explosives described in section 7-3-1 of this chapter within the north city park on July 4 between six o'clock (6:00) P.M. and eleven o'clock (11:00) P.M. of said date or on the date, if not July 4, scheduled as an alternative or "rain date" for the community fireworks display ordinarily scheduled for July 4. (Ord. 3420, 6-12-2001)

7-3-4 repealed and amended by Ordinance 4237 on 06.14.2022, see attached.

7-3-4: EXPLODING, FIRING; LOCATION RESTRICTIONS: It shall be unlawful for any person or persons to use, fire off, explode, or cause to be exploded in the city, any of the fireworks or explosives described in section 7-3-1 of this chapter at any time, within one thousand feet (1,000') of any hospital, sanitarium, or infirmary; into, at, toward, or under any car or motor vehicle, whether the same is moving or standing still; from any car or motor vehicle, whether moving or standing still; or within one hundred feet (100') of any gasoline pump, gasoline filling station, gasoline bulk station, or any building or area in which gasoline or volatile liquids are sold in quantities in excess of one gallon, except in stores where cleaners, paints, oils, and other volatile materials are handled in sealed containers only. (Ord. 2541, 6-11-1980)

7-3-5: ILLEGAL FIREWORKS AND EXPLOSIVES: It shall be unlawful for any person, partnership, or corporation, or any combination thereof, to sell, detonate, or explode, or to possess with the intent to sell, detonate, or explode such fireworks items as M-80s, cherry

7-3-5

7-3-7

bombs, bulldogs, salutes, skyrockets, tubular salutes, repeating bombs, aerial bombs, torpedoes, metal propelled items, bottle rockets, and other similar items which are now or may be officially declared illegal in the state of Kansas under rules and regulations promulgated by the state fire marshal. (Ord. 2541, 6-11-1980)

7-3-6: **INDUSTRIAL PURPOSES; EXCEPTION:** Nothing in this chapter shall be construed to prohibit the sale or use of black powder, dynamite, or other explosives for industrial purposes, or the sale of loaded cartridges and other ammunition for firearms not otherwise prohibited by ordinances of this city or the laws of the state of Kansas or the United States of America; and provided further that the city commission may grant permission to any responsible person, persons, or committee for patriotic displays of fireworks on or about July 4 in celebration of the independence of the United States of America, or such other occasion as the said commission may deem proper, provided always that proper safeguards shall be required as to fire protection. (Ord. 2541, 6-11-1980)

7-3-7: **PENALTY:** Any person violating the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punished as provided in section 1-3-1 of this code. (Ord. 2541, 6-11-1980)

August 2001

City of Garnett

ORDINANCE NO. 4237

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AN ORDINANCE AMENDING TITLE 7, CHAPTER 3, SECTION 3(C) AND SECTION 4 OF THE MUNICIPAL CODE, REGULATING THE EXPLODING AND FIRING OF FIREWORKS; REPEALING EXISTING TITLE, CHAPTER AND SECTIONS.

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

SECTION 1: Title 7, Chapter 3, Section 3(C) of the Municipal Code of Garnett, Kansas, is hereby amended to read as follows:

7-3-3: EXPLODING; FIRING ON DESIGNATED DAYS AND AT DESIGNATED TIMES: It shall be unlawful and any person or persons to use, fire off, explode or cause to be exploded within the city:

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(C) Any fireworks or explosives described in section 7-3-1 of this chapter within the north city park on the date, including the "rain date" if applicable, scheduled for the community fireworks display in commemoration of the Independence Day holiday, said display commonly called "Liberty Fest", between the hours of six o'clock (6:00) P.M. and eleven o'clock (11:00) P.M. of said day.

SECTION 2: Title 7, Chapter 3, Section 4 of the Municipal Code of Garnett, Kansas, is hereby amended to read as follows:

7-3-4: EXPLODING, FIRING; LOCATION RESTRICTIONS: It shall be unlawful for any person or persons to use, fire off, explode, or cause to be exploded in the city, any of the fireworks or explosives described in section 7-3-1 of this chapter at any time: (1) at, toward, or under any car or motor vehicle, whether the same is moving or standing still; (2) from any car or motor vehicle, whether moving or standing still; or (3) within one hundred (100) feet of any gasoline pump, gasoline filling station, gasoline bulk station, or any building or area in which gasoline or volatile liquids are sold in quantities in excess of one gallon, except in stores where cleaners, paints, oils, and other volatile materials are handled in sealed containers only; provided, however, the shaking, mixing or adding colorant to paint which is essentially free from volatile substances, often commonly called water-based paint or finish, is likewise excepted.

SECTION 3: Title 7, Chapter 3, Section 3A and Section 4, as the same presently exist, are hereby repealed.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication in an official newspaper of the City of Garnett, Kansas.

PASSED this 14th day of June, 2022.

Mayor

ATTEST:

Irish Brewer
City Clerk

