



RETAIL FIREWORKS PERMIT APPLICATION

Note to Applicant: Retail Fireworks Permit Applications must be submitted to the St. Marys City Clerk on or before June 1st of the of the permit year. The permit, if approved and issued, must be displayed at the premises where fireworks are to be sold. There is a non-refundable \$50 fee per stand/location due at the time of application.

Date of Application: _____ **No. of Stands:** _____ **Zoning District:** _____

Name of Applicant: _____ **Telephone:** _____

Address of Applicant: _____

City: _____ **State:** _____ **Zip Code:** _____

D.B.A: _____ **Name of Operator:** _____

Address of fireworks stand: _____ **Operator's Telephone:** _____

Insurance Company: _____

Insurance Policy #: _____ **Policy Valid From:** _____ **to:** _____

(Policy Must Be Attached)

Attach proof of liability insurance in a minimum amount of \$1,000,000.00 written by an insurance carrier licensed in Kansas, conditional on being non-cancelled except by giving 10-days advance notice to the St. Marys City Clerk. The insurance coverage must cover the City of St. Marys as an additional insured entity and the certificate holder must be listed as the City of St. Marys, St. Marys City Hall, 200 South 7th Street, St. Marys, KS 66536.

Signature of Applicant

City Clerk

Please Note: A Site Plan must be attached with this application.

Official Use Only:

Prior to opening the fireworks tent(s), inspections to ensure compliance with the city's code(s) and other applicable rules or regulations, will be conducted. All inspections will be completed by the St. Marys Fire Chief (or designee) and the operator may not open the fireworks tent(s) without a signed Retail Fireworks Sales Permit.

Inspection of Facility/Location Date: _____ **Inspector:** _____

Date Approved: _____ **Permit #** _____

Inspector's Signature: _____

ORDINANCE NO 1294

AN ORDINANCE AMENDING CHAPTER 7, ARTICLE 3, SECTION 7-304 RELATING TO THE SALE OF FIREWORKS; AND ADDING CHAPTER 7, ARTICLE 3, SECTIONS 7-304a, 7-304b, 7-304c, AND 7-305a, OF THE CODE OF THE CITY OF ST. MARYS, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ST. MARYS, POTTAWATOMIE COUNTY, KANSAS:

Section 1.

7-304. Sale of fireworks.

Any person who has first obtained a valid permit to sell fireworks within the city may do so between the hours of 8:00 a.m., and 10:00 p.m. commencing June 27th and through July 5th of each year.

7-304a. Sale of fireworks; where prohibited.

- a) It shall be unlawful for fireworks to be stored, sold, or displayed for sale in a place of business or permanent structure.
- b) Where the fire chief deems there is a fire hazard, he or she is hereby authorized to have such hazard abated.

7-304b. Retail display of fireworks.

- 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.
- b) All fireworks displayed for sale must remain in original packages, except where an attendant is on constant duty at all times where such fireworks are on display; provided, that fireworks in open stock may be kept in show cases or counters out of the reach of the public without an attendant being on duty.
- c) Signs reading "Fireworks for Sale--No Smoking Allowed" shall be displayed in the section of a store or premises set aside for the sale of fireworks.

7-304c. Fire extinguishers required.

Small stands or tents, temporarily erected to be used as a place for storing and selling fireworks only, shall have two functioning and approved fire extinguishers that are kept in close proximity to where the stock of fireworks are stored, sold or displayed for sale.

7-305a. Permit for sale of fireworks required; fee; issuance.

1. It shall be unlawful for any person to sell, display for sell, offer to sell or give away any type of fireworks within the city without first paying a fee of \$50.00 per

establishment or premises to the city clerk and applying for and securing a permit therefor on or before June 1st of the permit year.

2. No permit shall be issued for any location zoned residential, to include R-1, R-2, R-3, PUD, and MHP, within the city limits, or within the Central Business District (C-1), under the provisions of the Unified Development Code. Prior to the issuance of the permit, an inspection will be made of the applicant's establishment or premises for compliance with this chapter and other pertinent laws by the Fire Chief, and no permit shall be issued for any premises not in compliance with such laws. Upon qualifying for the permit, the permittee shall prominently display the same at the premises where fireworks are to be sold or displayed for sale. The permit fee shall not be refundable upon failure to qualify for the permit or withdrawal or cancellation of the application or permit.
3. No permit shall be issued without an application for permit, which includes the following information:
 - a. Name, address and contact information of the applicant, and operator.
 - b. Proposed location of the fireworks display.
 - c. Agreement that permittee shall provide 24-hour surveillance of location.
 - d. Such other information as the governing body deems necessary.
4. Prior to the issuance of a permit, the applicant shall provide proof of liability insurance in a minimum amount of \$1,000,000.00 written by an insurance carrier licensed in Kansas, conditional on being non-cancelled except by giving 10-days advance written notice to the city clerk. When the city has an insurable interest, the policy shall name the city as an additional insured.

Section 2. This ordinance shall be considered amendatory and supplemental to the ordinance now in place, and shall not be construed to repeal or replace any other provision of said ordinance except those specifically identified herein.

Section 3. This ordinance shall take effect and be in force after its publication in the official city newspaper.

PASSED AND ADOPTED THIS 17th DAY OF MAY, 2016, BY THE GOVERNING BODY OF THE CITY OF ST. MARYS, KANSAS.

ATTEST: _____, Mayor

ANDREA Ronsse, City Clerk

Facility Name _____ Inspection Date _____
 Contact Name _____ Title _____
 Facility Address _____ Phone (____) _____
 City _____ State KS Zip Code _____ County _____
 Distributor Name _____
 Distributors OSFM permit # _____ Agent/Inspector Name Select Name

RETAIL FIREWORKS INSPECTIONS

(RETAIL STAND FIRE SAFETY FEATURES)

Email to Office

Submit

Office of the State Fire Marshal Retail Stand Fireworks Inspection Checklist

Item	Safety Feature	Met	Not Met	Comments
1	Permitted Sale Dates	<input type="checkbox"/>	<input type="checkbox"/>	
2	Illegal Fireworks **	<input type="checkbox"/>	<input type="checkbox"/>	
3	Inventory Lists	<input type="checkbox"/>	<input type="checkbox"/>	
4	Purchased from KS Distributor	<input type="checkbox"/>	<input type="checkbox"/>	
5	Fire Extinguishers	<input type="checkbox"/>	<input type="checkbox"/>	
6	Attendant on Duty	<input type="checkbox"/>	<input type="checkbox"/>	
7	No Smoking Sign	<input type="checkbox"/>	<input type="checkbox"/>	
8	Storage/Gasoline/Liquids	<input type="checkbox"/>	<input type="checkbox"/>	
9	Number of Exits	<input type="checkbox"/>	<input type="checkbox"/>	
10	Egress Travel Distance	<input type="checkbox"/>	<input type="checkbox"/>	
11	Aisle Width	<input type="checkbox"/>	<input type="checkbox"/>	
12	Housekeeping	<input type="checkbox"/>	<input type="checkbox"/>	
13	Damaged Fireworks	<input type="checkbox"/>	<input type="checkbox"/>	
14	Discharge of Fireworks	<input type="checkbox"/>	<input type="checkbox"/>	

**Type _____ Amount Seized _____

Notes:

OSFM Retail Firework Checklist Item Information

Item 01 >> KAR 22-6-5. Permitted Sale Dates

Sale of fireworks not permitted before June 27th and not after July 5th

Item 02 >> KSA 31-507 Illegal Fireworks

Refer to KSA 31-507 through 31-511, Bottle Rockets and skyrockets are not permitted. If not met, notify OSFM immediately, confiscate fireworks, and complete seized fireworks receipt. Give copy of Kansas Statutes and Regulations sheet to retail stand representative.

Item 03 & 04 >> KAR 22-6-18 Records/Inventory Lists/Distributor

Each operator of a temporary retail stand shall maintain a list of what consumer firework items are on the premises, indicating the Kansas licensed distributor from whom those items were purchased.

Item 05 >> 7.3.6.3*; 7.6.2.1* Fire Extinguishers

Two portable fire extinguishers with a minimum rating of 2A.

OR

Fireworks stands less than 200 square feet are only required to have one portable fire extinguisher.

Item 06 >> 7.5.1.2*. Attendant On Duty

Fireworks shall be under supervision of store employee while open to the public.

Item 07 >> 7.3.11.2*. No Smoking Sign

Posted sign reads "FIREWORKS - NO SMOKING". Sign shall be 2in. high on a contrasting background. Posted at each entrance or within 10 feet of every aisle.

Item 08 >> 7.3.12.2*. Storage/Gasoline/Liquids

Must be at least 50 feet from motor vehicle fuel-dispensing station.

Item 09 >> KAR 22-6-20 (b)(3)(E) Number of Exits

Minimum number of exits provided from the retail sales area should be not less than 2 or as determined in NFPA 101 Life Safety Code whichever is greater.

Item 10 >> 7.3.14.2* Egress Travel Distance

Shall be located so that the maximum egress travel distance, measured from the most remote point to an exit along the natural and unobstructed path of egress travel does not exceed 75 ft.

Item 11 >> 7.3.14.3.1.1* Aisle Width

Aisles shall have a minimum clear width of 48 in.

Item 12 >> 7.3.21.1* Housekeeping

CFRS areas and storage rooms shall be kept free of accumulations of debris and rubbish.

Item 13 >> 7.3.21.5* Damaged Fireworks

Consumer fireworks devices that are damaged shall be removed and not offered for sale.

Item 14 >> KAR 22-6-9 (b) Discharge of Fireworks

Fireworks shall not be discharged within 100 feet of any "place of institution," as defined by NFPA 101, or any retail fireworks stand or facility where fireworks are stored.

*Under K.A.R. 22-6-20, the Office of the State Fire Marshal has adopted NFPA 1124 (2006 edition).