



**APPLICATION FOR DISPLAY FIREWORKS PERMIT
MIAMI COUNTY, KANSAS**

Date of Application: _____

Applicant/Operator Name: _____

Applicant Address: _____

Phone: _____ Fax: _____ E-mail _____

Address of Display Location: _____

Description of Display Location: _____

Owner of Location: _____

Owner's Address: _____

Date of Display: _____

Items 1-3 must be submitted to the Planning Department **at least 30 days prior to the event** in order to be considered by the Board of County Commissioners. The applicant will be notified as to the disposition of the application. Item 4 is required before a permit can be issued.

1. A completed application, with a fee in the amount of **\$150.00** (make checks payable to Miami County Planning Dept.).
2. A copy of the applicant/operator's current Display Operator's License, issued by the Kansas State Fire Marshall's Office.
3. If the applicant/operator is not the owner of the display location, a notarized written statement signed by the owner/s of the location, stating the owner/s consent to the display of fireworks and citing the date (with year) that the consent is granted *and* the date of the display.
4. A bond or certificate of insurance in the amount of \$500,000.00, with coverage and policy numbers listing the applicant/operator as the insured or as an additional insured and showing the display location as the insured location.

I, (name of applicant/operator) _____, will at all times comply with and adhere to State and County regulations pertaining to the discharge of display fireworks.

Signature of Applicant/Operator

*For more information contact the Miami County Planning Dept.
201 S. Pearl, Suite 201, Paola, KS 66071 | (913) 294-9553 | (913) 294-9545 fax*

EXCERPTS FROM CHAPTER 14, ARTICLE 3 OF THE CODE OF MIAMI COUNTY:

ARTICLE 3. FIREWORKS

14-301. DEFINITIONS.

- (A) **Fireworks**, for the purpose of this Resolution, means any composition or device designed to produce a visible or an audible effect by combustion, explosion, deflagration or detonation that meets the definition of consumer fireworks and display fireworks as set forth herein. Nothing in these regulations shall be construed as applying to: novelty items which contain quantities of less than twenty-five hundredths or less of a grain of explosives; highway flares, railway flares or fuses, the military or naval forces of the United States or Kansas, smoke candles, other emergency devices, signal or starting pistols, blank cartridges or small arms ammunition, or the firing of sky rockets or missiles when produced by a science class of any school and are fired under the supervision of the science instructor.
- (B) **Consumer Fireworks**, (Formerly known as Class C, Common Fireworks) means any small firework device designed to produce visible or audible effects by combustion (and which must comply with the construction, chemical composition and labeling regulations of the U.S. Consumer Product Safety Commission). Included herein shall be small devices such as whistling devices, ground devices containing 50 mg or less of explosive materials and aerial devices containing 130 mg or less of explosive materials. Also included shall be any firework that explodes, produces a report, shoots a projectile into the air, or produces an open flame including, but not limited to, firecrackers, torpedoes, sky-rockets, roman candles, Day-Glo bombs, sparklers, reloadable tube devices, comets, or other devices of like construction containing an explosive substance.
- (C) **Display Fireworks**, (Formerly known as Class B, Special Fireworks) means large fireworks designed primarily to produce audible or visible effects by combustion, deflagration, or detonation. This term includes, but is not limited to, salutes/firecrackers containing more than 2 grains (130 mg) of explosive materials, aerial shells containing more than 40 grams of pyrotechnic composition, other display pieces which exceed the limits for classification as consumer fireworks and fused set pieces containing components which together exceed 50 mg of salute powder. (Display Fireworks may only be discharged by a licensed Display Operator).
- (D) An **Article Pyrotechnic** means pyrotechnic devices for professional use similar to consumer fireworks in chemical composition, construction and within the weight limits of consumer fireworks but not intended for consumer use and not labeled as such.
- (E) **Consumer Fireworks Retail Sales Facility (CFRS Facility)**, means any temporary stand, tent, canopy, membrane structure, or other approved structure, (such as an existing building), which is used for the temporary retail display and sales of consumer fireworks to the public and meets all applicable building and fire codes adopted by Miami County. Temporary stands are limited to portable freestanding structures without a permanent foundation and having a floor area no greater than four hundred (400) square feet.

14-304 (B) DISPLAY FIREWORKS

1. A permit shall be required for the discharge of display fireworks and a fee in the amount of \$150.00 for such a permit shall be charged to the applicant. Application for such permit shall be made to the Community Development Department at least 30 days prior to the date for which the permit is requested, with the permit being either formally approved or denied by the County Commission within 15 days after receipt of the application. The Board of County Commissioners shall retain the right to waive the fee for either a municipality within the County or a non-profit civic organization. The holder of the permit shall meet all the following conditions for a display fireworks permit.
2. The discharge of display fireworks shall be prohibited except for July 1 - July 7 and December 31 - January 1 of each year. The discharge of fireworks on such days shall be

limited to the hours between 8:00 p.m. and 11:00 p.m. except for December 31 - January 1 when they may additionally be discharged from 11:00 p.m. on December 31 through 15 minutes after midnight on January 1.

3. The discharge of display fireworks shall be for the entertainment and enjoyment of the permit holder and the permit holder may charge a fee for attending or observing the exhibition.
 4. The individuals, organization, municipality or landowner conducting the display fireworks exhibition shall maintain General Liability bodily injury & property damage combined single limit insurance in the minimum amount of \$500,000 per occurrence, with the policy including provisions for premises and operations, including the discharge and explosion of display fireworks thereon by the applicant and/or independent contractors.
 5. Display fireworks shall be kept and stored, prior to firing, in a place and manner that presents neither a hazard to any property nor a danger to any person, such as a warehouse or magazine or comparable appropriate depository that complies with the requirements of the current Bureau of Alcohol, Tobacco, Firearms and Explosives Federal Explosives Law and Regulations, and the current Fire Code adopted by Miami County.
 6. The discharge or display shall be arranged so that the display fireworks are to be fired at least 100 feet from the nearest public right-of-way, person or building.
 7. Display fireworks that fire a projectile into the air shall be directed in such a manner that the projectile does not fire over or above any building, structure or person viewing the exhibition or display, and the angle of the projectile shall be no more than 15 degrees from vertical.
 8. Persons firing display fireworks shall be experienced pyrotechnic experts in the public exhibition or display of fireworks, shall be at least 21 years of age and shall possess a valid license as a Display Operator issued by the State Fire Marshall.
 9. At least two approved fire extinguishers shall be present at the exhibition site.
 10. All unfired display fireworks and any residue remaining after the discharge shall be promptly extinguished and shall be immediately disposed of in a nonflammable container.
 11. Access from the nearest public road to the discharge site shall remain open and passable at all times for fire, ambulance and law enforcement vehicles in case of an emergency.
- 14-305. PROHIBITION OF SALE, USE OR DISCHARGE.** The sale, use or discharge of any fireworks, either consumer or display, shall be prohibited whenever a Governor's ban on fires is in effect or when the County Commission, the board of directors for a rural fire district and/or the County Emergency Preparedness Director declares an emergency and the sale, use or discharge of all fireworks shall not be permitted until said ban or emergency is officially lifted.
- 14-306. ENFORCEMENT AND PENALTIES.** Violation of any provision of this Resolution shall be a Class E violation of the County code, punishable upon conviction of a fine in an amount not less than Five Hundred Dollars (\$500.00) and not more than One Thousand Dollars (\$1,000.00) for each offense plus assessment of all costs incurred by public agencies fighting fires and/or responding to other emergencies resulting from the violation of the provisions of this Resolution.