

Chapter 14. FIRE

Article 1. Open Burning

Article 2. Fire Insurance Proceeds Lien Fund

Article 3. Fireworks

ARTICLE 1. OPEN BURNING

- 14-101. DEFINITIONS. For the purposes of this Article:
- (A) **Open burning** means setting, starting, igniting, maintaining, spreading, fueling or failing to extinguish or take precautions to prevent the spread of an open fire.
 - (B) **Open fire** shall be defined as the burning of fields, pastures, stubble, vegetation, debris, waste, trash, garbage, structures or any other material or matter when the resulting fire is not contained within a safe and fire proof container, with such container being constructed of fire resistant materials and with a lid, top or door that confines the sparks, ashes and embers of the fire safely within the container.
- (R07-03-018)
- 14-102. PROHIBITIONS. No person:
- (A) Shall set, cause or permit open burning within the rural area of Miami County, Kansas without obtaining a burn permit from the fire department within which district the proposed burn site is physically located, and, upon acquiring such a permit, shall comply with all of the conditions specifically stated in the permit.
 - (B) Who has set a fire shall leave the fire unattended until appropriate precautions have been taken to prevent the fire from spreading.
 - (C) Shall set a fire without first taking precautions to insure that the fire will be safely contained within the perimeters of the area sought to be burnt and that the fire will present no danger to the health or property of adjoining landowners.
 - (D) Shall set an open fire, even if the person has a burn permit, when the Fire District Board of Trustees for the tract of land where the open fire originates, the County Commission, the Emergency Preparedness Director, or the Governor has declared a drought or health emergency and prohibited all open fires and notice thereof has been given by inclusion of the notice on those radio, television or cable stations serving Miami County.
- (R08151-01, Sec. 1)
- 14-103. EXEMPTIONS. A fire:
- (A) Used for the preparation of food shall not be considered to be an open fire, as long as the fire is contained within a fireplace, stove, barbeque grill, barbeque pit or smoker.
 - (B) Situated within a federal, state, county park or recreational area or private recreational area of private campground shall not be considered to be an open fire as long as the fire is contained to an area in which fires are specifically allowed and there have been no fire bans decreed by the Governor, the Fire Board of Miami County, the County Commission of the Emergency Preparedness Director.
 - (C) Used for the burning of household trash or waste shall not be considered to be an open fire as long as the fire is contained within a safe and fireproof container or structure, with such container or structure having a lid, top or door that effectively prevents the escape of ashes, embers or sparks. The burning or incineration of combustible, toxic or hazardous materials within such containers or structures is expressly prohibited.
- (R07-03-018)

- 14-104. PERMITS REQUIRED.
- (A) Burn permits shall be required for all open burns or fires not specifically exempted in above section 14-103.
 - (B) A person requesting a burn permit shall provide certain information to that fire department which serves the real property for which the permit is being issued, including at a minimum: the location of the proposed fire; the proposed date or dates; the purpose of the fire; the objects of matter to be burned; the distance from the nearest residence or structure, the name, address and phone number of the person who will set and control the fire; and the precautions that will be taken to insure that the fire will be contained within the boundaries that are designated in the application.
 - (C) The fire department shall review the information and may issue a permit, with specific conditions being attached to the permit, if necessary, by the issuing department for the purpose of insuring the public health, safety and welfare. The permit shall specifically include thereon: the name, address and phone number of the person responsible for the setting and control of the fire; the physical location for which the permit has been issued, the date or dates for which the permit has been issued; the objects of matter to be burned; and any specific conditions attached to the permit, such as minimum and maximum wind speed, temperature range, proximity to neighboring property lines or structures and any other conditions that the issuing officials finds necessary for the safety and welfare of the public. A copy of the permit shall be kept on file and shall be furnished, upon request, to the Miami County Sheriff's Office, the State Fire Marshall, the County Attorney, the Emergency Preparedness Director, and the Fire Board for the District in which the Fire Department is situated.
 - (D) The fire chief or designee shall issue an extended permit for one calendar year for open burning for agricultural purposes, provided that the permit shall state specific conditions for the issuance of the extended permit. Agricultural purposes shall be considered to be the burning of stubble from fields, dead grass from pastures and/or brush and trees resulting from the clearing of fence lines, fields or pastures.
- (R07-03-018)
- 14-105. EMERGENCY SITUATIONS.
- (A) Fire District Board of Trustees, the Emergency Preparedness Director or the County Commission are hereby authorized to prohibit all open burning within the County when conditions become so severe due to drought, natural or man made disasters or national / state security reasons as to constitute a serious danger to persons and/or property within the County. Such authorization shall become effective upon notice to the general public by any or all of the following methods: written publication in the official County newspaper, written notice on the County's official web site and/or oral and visual announcements on radio, television or cable stations serving the County.
 - (B) The aforesaid prohibition on open burning shall be removed once the conditions causing the ban to be instituted have been sufficiently alleviated so as to no longer constitute a serious danger to the general public.
- 14-106. PROSECUTION AND PENALTIES.
- (A) Any party who fails to obtain a permit as required above, who abandons a fire that has not been extinguished, or who fails to take precautions to control a fire, who fails to adhere to the terms or who otherwise knowingly and willfully violates this Article shall be subject to prosecution in the District Court of Miami County, Kansas by the County Attorney.
 - (B) Conviction of a violation of this Article shall constitute a Class C misdemeanor for the first offense and a Class B misdemeanor for the second offense.
 - (C) The Court, upon conviction of the person so charged and upon the County Attorney introducing a written invoice from the Fire Chief or duly authorized representative of the responding fire department stating an itemized list of the costs incurred by the fire department in responding to the fire, may order the convicted person to reimburse the fire

department(s) for the costs incurred in fighting and extinguishing the fire caused by violation of this Article and make reimbursement of such costs a condition of probation.
(R07-03-018)

ARTICLE 2. FIRE INSURANCE PROCEEDS LIEN FUND

14-201. ADOPTION OF PROCEDURE. The County is hereby authorized to utilize the procedures established by K.S.A. 40-3903, whereby no insurance company shall pay a claim of a named insured for loss or damage to any building or other structure located within the unincorporated areas of Miami County that arises out of any fire, explosion or windstorm where the amount of the recoverable loss or damage to the building or other structure is in excess of 75% of the face value of the policy covering such building or other insured structure, unless there is compliance with the procedures set out in this Article.
(R00-06-93, Sec. 1)

14-202. LIEN CREATED.

(A) The County hereby creates a lien, pursuant to K.S.A. 40-3904, in favor of the County on the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure located within the unincorporated area of Miami County, caused by or arising out of any fire, explosion or windstorm where the amount recoverable for all the loss or damage to the building or other structure under all policies is in excess of 75% of the face value of the policy covering such building or other insured structure. The lien shall arise upon any unpaid tax, special ad valorem levy, special assessment, or any other charge imposed upon real property by or on behalf of the County which is an encumbrance on real property, whether evidenced by written instrument, or such tax, levy, assessment, expense or other charge that has remained undischarged or at least one year prior to the filing of a proof of loss.

(B) Prior to final settlement on any claim covered by this section, the insurer or insurers shall contact the County Treasurer to determine whether any such encumbrances are presently in existence. If so, the insurer or insurers shall execute and transmit, in an amount equal to that owing under the encumbrances, a draft payable to the County Treasurer.

(C) A transfer of proceeds under this section shall be on a pro rata basis by all insurance companies insuring the building of other structure.
(R00-06-93, Sec. 2)

14-203. TRANSFER OF FUNDS UPON SETTLEMENT OF CLAIM.

(A) When final settlement on a covered claim has been agreed to or achieved at between the named insured and the company, and the final settlement exceeds 75% of the face value of the policy covering any building or other insured structure, and when all amounts due the holder of a first real estate mortgage against the building or other structure, pursuant to the terms of the policy and endorsements thereto, shall have been paid, the insurance company shall execute a draft payable to the County Treasurer in an amount not to exceed 15% of the covered claim payment, unless the County Planning and Development Director has issued a certificate to the insurance company that the insured has removed the damaged building or other structure, as well as all associated debris, or has repaired, rebuilt, or otherwise made the premises safe and secure.

(B) Companies insuring the building or other structure shall transfer such funds based on each company's pro rata share of the settlement of the covered claim. Policy proceeds remaining after the transfer to the County shall be disbursed in accordance with policy terms.

(C) Upon the transfer of the funds as required in this section, the insurance company shall provide the County with the name and address of the insured or insureds, the total in-

insurance coverage applicable to the building or other structure, and the amount of the final settlement agreed to or arrived at between the insurance company or companies and the insured or insureds, whereupon the Planning and Development Director shall contact the named insured or insureds by certified mail, notifying them that the insurance proceeds have been received and apprising them of the procedures to be followed under this article.

(R00-06-93, Sec. 3)

14-204.

PROCEDURE UPON RECEIPT OF MONEYS, INVESTIGATION.

- (A) Upon receipt of moneys as provided by this article, the County Treasurer shall immediately notify the Planning and Development Director of such receipt, and transmit all documentation received from the insurance company to that Department.
- (B) Within twenty (20) days of the receipt of the moneys as provided by this article, the Planning and Development Director shall determine, based upon investigation, whether the County shall instigate proceedings under Chapter 16 of this Code, which provides for removal of unsafe or dangerous structures and abandoned buildings and which utilizes the procedures outlined in K.S.A. 12-1752. For purposes of this article, the building codes enforcement officer shall have responsibility for determining an immediate hazard, pursuant to K.S.A. 12-1750 *et seq.* and the Planning and Development Director shall have the responsibility for enforcement of this article.
- (C) Prior to the expiration of the twenty (20) day period established in this section, the Planning and Development Director shall notify the County Treasurer whether the County intends to initiate proceedings under K.S.A. 12-1750 *et seq.* and Chapter 16 of this Code.
- (D) If the Planning and Development Director has determined that proceedings under K.S.A. 12-1750 *et seq.* and R00-01-001 and subsequent amendments thereto shall be initiated, the Director shall do so immediately, but no later than thirty (30) days after receipt of the moneys by the County Treasurer.
- (E) Upon notification to the County Treasurer by the Planning and Development Director that no proceedings shall be initiated under K.S.A. 12-1750 *et seq.* and Chapter 16 of this Code, the County Treasurer shall return all moneys received to the insured or insureds as identified in the communication from the insurance company. Such return shall be accomplished within thirty (30) days of the receipt of the moneys from the insurance company or companies.

(R00-06-93, Sec. 4)

14-205.

REMOVAL OF STRUCTURE; EXCESS MONEYS.

- (A) If the Planning and Development Director has proceeded under the provisions of K.S.A. 12-1750 *et seq.* and Chapter 16 of this Code, all moneys in excess of that which is ultimately necessary to comply with the provisions for the removal of the building or structure, less salvage value, if any, shall be paid to the insured.
- (B) If the Planning and Development Director determines that it is necessary to act under K.S.A. 12-1750 *et seq.* and Chapter 16 of this Code, against a building or other structure damaged by fire, explosion or windstorm, any proceeds received by the County Treasurer under the authority of this article relating to the building or other structure shall be used to reimburse the County for any expenses incurred by the County in proceeding under K.S.A. 12-1756 and/or Chapter 16 of this Code. Upon reimbursement from the insurance proceeds, the Planning and Development Department shall immediately effect the release of the lien resulting therefrom. Should the expense by the County exceed the insurance proceeds paid over to the County Treasurer under Section 14-203, the Planning and Development Director shall publish a new lien in an amount equal to such expenses incurred.

(R00-06-93, Sec. 5)

14-206.

EFFECT UPON INSURANCE POLICIES. Pursuant to K.S.A. 40-3908, this article shall not make the County a party to any insurance contract, nor is the insurer liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

- (R00-06-93, Sec. 6)
- 14-207. INSURER'S LIABILITY. Pursuant to K.S.A. 40-3909, insurers complying with this article or attempting in good faith to comply with this article shall be immune from civil and criminal liability, and such action shall not be deemed in violation of K.S.A. 40-2404 and any amendments thereto, including withholding payment of any insurance proceeds pursuant to this article, or releasing or disclosing any information pursuant to this article.
(R00-06-93, Sec. 7)
- 14-208. DEFINITION OF PLANNING AND DEVELOPMENT DIRECTOR. For the purpose of this article, the Planning and Development Director shall mean the administrative head of the Planning and Development Department, an employee of said department designated by the Director to enforce this article or other County employee(s) designated by the County Administrator to enforce or assist in the enforcement of this article.
(R00-06-93, Sec. 9)

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 per-

manent foundation and having a floor area no greater than four hundred (400) square feet. (R05-03-009, Sec. I, R10-03-010 Sec. I)

14-302.

SALE AND STORAGE OF FIREWORKS. Consumer fireworks may be sold in the unincorporated areas of Miami County that are not part of the "Community Growth Areas" of Spring Hill, Paola and Osawatomie or within 1,000 feet of the City limits of Louisburg or Fontana, pursuant to the following conditions:

- (A) The sale of consumer fireworks, as defined in above Section 1, shall be legal only between the dates of June 27th through July 5th of each year and between the hours of 8:00 a.m. to 10:00 p.m.
- (B) The sale of consumer fireworks shall be permitted only on those tracts of land designated by the Miami County Zoning Regulations as Low Intensity Commercial (C-1), Commercial (C-2), Business Park (BP), Light Industrial (I-1) or Heavy Industrial (I-2).
- (C) The sale of consumer fireworks shall be permitted only in Consumer Fireworks Retail Sales Facilities as defined in Section 14-301. Each facility shall be situated at least 300 hundred feet from any residential structure, 50 feet from any other building or structure and meets all of the standards specified in the permit application instructions.
- (D) All customer parking shall be off of a public road or right-of-way and the parking lot's grass, if there is such, shall be no higher than two inches. Off-street parking shall be provided at a ratio of one (1) space per two hundred (200) square feet of space occupied by the CFRS Facility, with not less than five (5) spaces provided at or near the facility location.
- (E) Solid waste at the location of the facility shall be handled in such a manner to maintain a clean, clutter free environment free of blowing trash.
- (F) Portable toilets may be used for sanitation purposes and such shall be provided and maintained by an individual or company who is licensed by the Miami County Environmental Health Department to provide such services
- (G) All temporary structures used as a CFRS Facility as well as all remaining consumer fireworks not sold, shall be removed from the location by July 7th of the year in which the permit is issued.
- (H) A Consumer Fireworks Retail Sales Facility Permit shall be prominently posted at the CFRS Facility at all times.
- (I) All CFRS Facilities shall be subject to inspection at all times that they are in operation by County Officials or employees, personnel of the Fire Department in which district the Facility is located or by the State Fire Marshall's Office. The CFRS Facility permit may be revoked for failure to comply with County regulations. There will be no refund of the permit fee if the permit is revoked.
- (J) No CFRS Facility shall be constructed or installed prior to receiving a permit for such facility. Prior to occupancy and operation, County staff and/or representatives of the appropriate Fire District shall inspect the facility and give approval for the placement of consumer fireworks on the site. Any fireworks placed on site and/or sold without a permit and inspection approval shall be subject to seizure.
- (K) CFRS Facilities shall be equipped with fire extinguishers installed and located so that the maximum distance of travel required to reach an extinguisher from any point does not exceed thirty-five (35) feet. At least one fire extinguisher shall be of the multipurpose dry chemical type if the facility is provided with electrical power.
- (L) Smoking shall not be permitted inside or within fifty (50) feet of a CFRS Facility. At least one sign that reads "FIREWORKS –NO SMOKING" in letters at least two (2) inches high on a contrasting background, shall be conspicuously posted at each entrance to the facility.
- (M) All CFRS Facilities and all consumer fireworks stored, kept or sold shall be located at least fifty (50) feet from any of the following: retail propane-dispensing station dispensers; aboveground storage tanks for flammable or combustible liquid, flammable gas, or flammable liquefied gas; or motor vehicle fuel-dispensing station dispensers.
- (N) Exits shall be marked by an approved exit sign in accordance with the current building and electrical codes adopted by Miami County.

- (O) No motor vehicle or trailer used for the storage of consumer fireworks shall be parked within ten (10) feet of a CFRS facility, except when delivering, loading, or unloading fireworks or other merchandise and materials used, stored, or displayed for sale in the facility.
 - (P) At least one sign that reads "NO FIREWORKS DISCHARGE WITHIN 300 FEET" in letters at least four (4) inches high on a contrasting background, shall be conspicuously posted on the exterior of each side of any CFRS Facility.
 - (Q) Each CFRS Facility will be allowed one on-site advertisement sign and one off-site directional sign. Each sign shall be limited to a maximum of 64 square feet per sign face with two faces allowed. Neither sign shall be at an intersection where clear vision may be obstructed, or within the right-of-way of any street, avenue, highway or alley.
- (R05-03-009, Sec. II, R10-03-010, Sec II)

14-303

PERMIT APPLICATION PROCEDURE FOR CFRS FACILITY.

- (A) A permit application requesting specific information shall be obtained from the Community Development Department and shall be filed with said Department on or before May 20 of any year for a CFRS Facility Permit. No application will be accepted after May 20 but the applicant has until June 1 to correct any errors contained in the application. The operator of the Consumer Fireworks Retail Sales Facility and the owner of record of the land upon which the facility will be located (if the two are not the same) shall sign the permit application. A permit application must be accompanied with the following:
 1. A certified check in the amount of \$1,000 (one thousand dollars), with a separate permit being required for each location from which Consumer Fireworks will be sold;
 2. A surety deposit in the amount of \$500 (five hundred dollars) in the form of a certified check or bond, with a separate surety for each location;
 3. An original certificate of general liability coverage in an amount not less than \$1,000,000 (one million dollars) on which Miami County is added as the "Certificate Holder" to the insurance policy;
 4. A copy of a "Retailer's Sales Tax Registration Certificate" issued by the Kansas Department of Revenue; and
 5. A detailed site plan. No application will be processed unless all appropriate fees and documentation as stated above are received.
 - (B) The site plan shall be legible and shall include but not be limited to the following information:
 1. All items specified in B., C., D., E., F., K., M., and N. as enumerated in above Section 14-302;
 2. The driveway entrance location;
 3. Location of off-street parking and number of spaces;
 4. The distance of the CFRS Facility from all property lines (minimum of 20 feet required);
 5. The distance of the CFRS Facility from all roads or streets adjoining the property (minimum of 50 feet setback from the right-of-way required);
 6. A layout or floor plan of the CFRS Facility and its operation indicating aisles, location of fire extinguishers, fire lanes, exits, etc.;
 7. An exterior lighting plan; and
 8. A signage plan with sign dimensions and location(s) of on-site and off-site signage.
 - (C) The Community Development Department shall submit each application to the Planning Director, County Engineer, Sheriff, Building Official, EMS Director, Director of Public Services, and the appropriate Fire District for their comments and/or recommendations.
 - (D) No later than June 10th, the report and recommendations from any officials named in (C) above for any application, shall be submitted to the Board of County Commissioners of Miami County, Kansas for its consideration and action.
- (R05-03-009, Sec. III, R10-03-010, Sec III)

14-304.

DISCHARGE OR USAGE OF FIREWORKS. Fireworks, subject to the following limitations and requirements, shall be discharged or used only under the following conditions:

(A) CONSUMER FIREWORKS

1. No permit shall be required and no fee shall be charged for the discharge of consumer fireworks.
2. The discharge of consumer fireworks shall be prohibited except from July 1 through July 7 and December 31-January 1 of each year. On such days, the discharge of consumer fireworks shall be limited to the hours between 8:00 a.m. and 11:00 p.m. except for December 31 - January 1 when they may be discharged from 11:00 p.m. to 15 minutes after midnight.
3. The discharge of consumer fireworks shall be for the entertainment and enjoyment of the owners/occupants of the property upon which the fireworks are discharged and their guests and no fees shall be charged for attending/observing the fireworks exhibition.
4. The property owner of the land upon which the discharge of consumer fireworks occurs shall maintain General Liability bodily injury & property damage combined single limit insurance in the minimum amount of \$100,000 per occurrence.
5. The discharge or display shall be arranged so that consumer fireworks are to be fired at least 100 feet from the nearest public right-of-way and property line and at least 50 feet from the nearest building.
6. Consumer 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.
7. Persons firing any consumer fireworks shall be either at least 18 years of age or shall be under the supervision of an adult.
8. At least one approved fire extinguisher shall be present at the exhibition site.
9. All unfired consumer fireworks and fireworks residue remaining after the discharge of the fireworks shall be immediately disposed of in a nonflammable container.

(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 Marshal.
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.

(R05-03-009, Sec. III, R10-03-010, Sec. IV)

- 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.

(R05-03-009, Sec. IV, R10-03-010, Sec. V)

- 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.

(R05-03-009, Sec. V, R10-03-010, Sec VI)