

ORDINANCE NO. 894

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF BURLINGTON, KANSAS, AMENDING BURLINGTON CITY CODE CHAPTER 7, ARTICLE 3, REGARDING REGULATION OF FIREWORKS WITHIN THE CITY.

Now therefore, be it resolved and ordered by the governing body of the City of Burlington, Coffey County, Kansas:

Section 1. Burlington City Code, Chapter 7, Article 3, Section 301 is hereby amended to be as follows:

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(a) "Fireworks" are those items as defined by the rules and regulations of the State Fire Marshal, shall include, but not be limited to: firecrackers, torpedoes, sparklers, Roman candles, sky rockets, pin wheels, cap or toy pistols (except such pistols or any like device designed to discharge paper caps containing not more than 0.25 grains of explosive mixture), canes, bombs, cannons or other like devices and all classes of fireworks that may be shot into the air or propelled over the ground by explosive discharges or any device using blank cartridges.

(b) "Consumer fireworks" shall mean any small fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion that comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission (CPSC), as set forth in CPSC 16 CFR 1500 and 1507, 49 CFR 172, and APA Standard 87-1, Standard for the Construction and Approval for Transportation of Fireworks, Novelties and Theatrical Pyrotechnics.

(c) "Display fireworks" shall mean large fireworks devices that are explosive material intended for use in a public display of fireworks and designed to produce visible or audible effects by combustion, deflagration, or detonation, as set forth in CPSC 16 CFR 1500 and 1507, 49 CFR 172, and APA Standard 87-1, Standard for the Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics.

(d) For purposes of this Chapter use of consumer fireworks by private individuals shall not be considered a public display of fireworks.

Section 2. Burlington City Code, Chapter 7, Article 3, Section 304 is hereby amended to be as follows:

(a) (1) It shall be unlawful for any person to provide a public display of fireworks without first obtaining a permit to do so by making application in advance of the desired display. Approval of the permit shall be by the governing body. No permit shall be approved unless the applicant furnishes a certificate of public liability insurance for the display in a

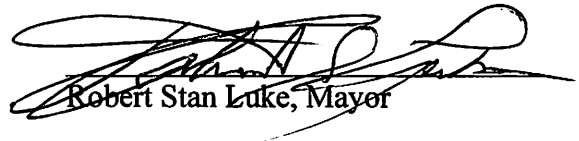
minimum amount, as set by the governing body, written by an insurance carrier licensed to do business in the state, conditioned as being non-cancellable except by giving ten days advance written notice to the City Clerk. In the event of cancellation of the insurance prior to the display, the permit shall automatically be revoked and void.

(2) The application for the permit shall clearly state:


- (A) The name of the applicant;
- (B) The group for which the display is planned;
- (C) The location of the display;
- (D) The date and time of the display;
- (E) The nature or kind of fireworks to be used;
- (F) The name of the person, firm or corporation that will make the actual discharge of the fireworks; and
- (G) Anticipated need for police, fire or other municipal services.

(b) No permit shall be issued if the location, nature of the fireworks or other relevant factor is such as to create an undue hazard or risk of harm or damage to persons or property.

Adopted and passed by the governing body and approved by the Mayor of the City of Burlington, Kansas, June 21, 2023.


Robert Stan Luke, Mayor




Anne C. Brown, City Clerk

Approved as to form: 
Philip Wright, City Attorney