

## **CHAPTER VII. FIRE**

- Article 1. Reserved
- Article 2. Fire Prevention
- Article 3. Fireworks

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### **ARTICLE 1.** (Reserved)

## ARTICLE 2. FIRE PREVENTION

- 7-201. OPEN BURNING. Burning yard waste (leaves, twigs, brush and small branches) is allowed within city limits. A burning permit must be obtained from City Hall before burning. It shall be unlawful to burn trash, rubbish, lumber, straw or any other combustible material in any street, alley, or vacant lot within the fire limits or within 5 feet of any building in the city of Carbondale, Kansas. (Code 2014)
- 7-202. ACCUMULATION OF RUBBISH AND TRASH. It shall be unlawful for any person to allow to accumulate or to keep in any part of any building or outside of and adjacent to any building or in any alley, sidewalk, street or premises within 30 feet of any building any rubbish, trash, waste paper, excelsior, empty boxes, barrels or other combustibles which shall constitute a fire hazard. (Ord. 107; Code 2014)
- 7-203. STACKING OF HAY OR STRAW. It shall be unlawful for any person to deposit, stack or store any hay or straw within 500 feet of any building located inside the fire limits of the city. (Ord. 107; Code 2014)
- 7-204. KEEPING OF PACKING MATERIALS. It shall be unlawful to keep excelsior or other packing material in any other than metal or wood metal line boxes or bins having self-closing or automatic covers. All refuse and trash from rooms where packing or unpacking is done shall be removed daily. (Ord. 107; Code 2014)
- 7-205. STORAGE OF ASHES. It shall be unlawful to store ashes inside of any non-fireproof building unless they are stored in a noncombustible container or receptacle, and a clearance of at least five feet shall be maintained between such container or receptacle and any combustible materials not placed therein. Ashes shall not be stored outside of any building in wooden, plastic, or paper product receptacles or dumped in contact with or in close proximity to any combustible materials. (Ord. 107; Code 2014)
- 7-206. FILLING GASOLINE TANKS OF MOTOR VEHICLES. (a) The engines of motor vehicles shall be stopped when the gasoline tanks of such vehicles are being filled with gasoline at service stations or other places where gasoline is supplied to motor vehicles. The driver or person in control of such vehicle when the gasoline tank of same is being filled who refuses, neglects or fails to stop the engine of such vehicle shall likewise be guilty of a violation of this code.  
(b) It is unlawful to store or dismantle gas tanks of any kind on property within the city limits. (Code 2014)
- 7-207. FIRE HAZARDS GENERALLY. It is unlawful for any person to cause or create anywhere within the city, or to permit on any premises under his or her control, any situation or condition that is conducive to or likely to cause or permit the outbreak of fire or the spreading of fire. Any situation or condition conducive to the outbreak of or spreading of fire, is declared to be a fire hazard. The violation of or failure to comply with any law pertaining to the storage, handling or use of

inflammable oils, explosives, liquefied petroleum gases, or fertilizers and all wires and other conductors charged with electricity, is declared to be a fire hazard. The placing of stools, chairs or any other obstruction in the aisles, hallways, doorway, or exit of any theater, public hall, auditorium, church or other place of indoor public assemblage, or the failure to provide any such place of public assemblage with sufficient, accessible and unobstructed fire exits and escapes is also declared to be a fire hazard. The obstruction of any street, avenue, alley, fire hydrant or any other condition that might delay the fire department in fighting fire is declared to be unlawful. (Code 2014)

7-208. HAZARDOUS MATERIALS. No person shall deposit in a solid waste container or otherwise offer for collection any hazardous garbage, refuse, or waste. Hazardous material shall include, but is not limited to:

- (a) Explosive materials;
  - (b) Rags or other waste soaked in volatile and flammable materials;
  - (c) Chemicals;
  - (d) Poisons;
  - (e) Radio-active materials;
  - (f) Highly combustible materials;
  - (g) Soiled dressings, clothing, bedding and/or other wastes, contaminated by infection or contagious disease;
  - (h) Paint;
  - (i) Tires;
  - (j) Freon; and,
  - (k) Any other materials which may present a special hazard to collection or disposal personnel, equipment, or to the public.
- (Ord. 419-2007; Code 2014)

7-209. PROHIBITED PRACTICES. It shall be unlawful for any person to:

- (a) Deposit solid waste in any container other than that owned or leased by him or under his control without written consent of the owner and/or with the intent of avoiding payment of the refuse service charge;
  - (b) Interfere in any manner with employees of the city or its contractors in the collection of solid waste;
  - (d) Bury refuse at any place within the city except that lawn and garden trimmings may be composted.
  - (e) No materials for refuse removal, including trash containers, may be placed curb side prior to 5 p.m. the day before the scheduled trash pickup day. All trash containers must be removed from curb side no later than 9 p.m. the day of the scheduled trash pickup.
  - (f) Except as provided in section (g), No trash containers, including temporary or permanent structures, may be placed or constructed in the city easement. All existing temporary or permanent trash container structures must be removed within 30 days of the enactment of ordinance 449-2010.
  - (g) An owner or occupant may apply for a permit from the city council requesting that they be permitted to have a temporary structure in the city easement for trash containers. A permit may be granted if an owner or occupant demonstrates that because of age, illness or disability a temporary structure in the city easement is needed and that the temporary structure does not interfere with water drainage or any other city function.
- (Ord. 445-2010, Ord. 419-2007; Code 2014)

### ARTICLE 3. FIREWORKS

- 7-301. FIREWORKS DEFINED. For purposes of this article, the term fireworks shall mean those items as defined by the rules and regulations of the Kansas state fire marshal, and include any combustible or deflagrating composition, article, or device suitable for the use of the public for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation including but not 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 .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. (Ord. 390; Code 2014)
- 7-302. FIREWORKS PROHIBITED. (a) Except as provided in sections 7-303:306; it shall be unlawful for any person to keep, store, display for sale, fire, discharge or explode any fireworks.
- (b) Nothing in this article shall be construed as applying to:
- (1) Toy paper caps containing not more than .25 of a grain of explosive composition per cap;
  - (2) The manufacture, storage, sale or authorized use of signals necessary for the safe operation of railroads or other classes of public or private transportation;
  - (3) The military or naval forces of the United States or of this state while in the performance of official duty;
  - (4) Law enforcement officers while in the performance of official duty; or
  - (5) The sale or use of blank cartridges for ceremonial, theatrical or athletic events. (Ord. 390; Code 2014)
- 7-303. SAME: EXCEPTIONS; DISCHARGES. (a) Section 7-302 of this article shall not apply to the firing or discharge of fireworks in the city between the hours of 8:00 a.m. and 11:00 p.m. June 27 through July 3 and July 5 of any year and between the hours of 8:00 a.m. and 12:00 midnight on July 4 of any year.
- (b) The governing body of the city may, in its discretion, grant permission at any time for the public display of fireworks by responsible individuals or organizations when such display or displays shall be of such a character and so located, discharged and fired as shall not be a fire hazard or endanger persons or surrounding property.
- (c) It shall be unlawful for any person, firm or corporation to give any public display of fireworks without having first obtained a permit thereof. (Ord. 390; Code 2014)
- 7-304. SAME: EXCEPTION; 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 11:00 p.m. June 27 through July 3 and July 5 and between the hours of 8:00 a.m. and 12:00 on July 4 of any year. (Ord. 390; Code 2014)

7-305. PERMIT FOR SALE OF FIREWORKS REQUIRED; FEE; ISSUANCE. (a) 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 \$25 per stand to the city clerk and applying for and securing a permit therefor on or before June 25th of the permit year.

(b) A written application for a permit for selling fireworks shall be filed with the City Clerk containing the following: Name, business address and phone number of applicant and description of the location where the firework stand will be located.

(c) The permit will be issued by the City Council of Carbondale, Kansas, who has absolute discretion in granting a permit to sell fireworks.

(d) The person engaged in selling fireworks shall have an adult present to supervise sales operations at all times and the stand shall be equipped with a fire extinguisher.

(e) The permit shall expire July 5 at 11:00 p.m. of the year the permit was granted. The permit may be revoked for not complying with any of the provisions of this ordinance. (Ord. 390; Code 2014)

7-306. PERMIT FOR PUBLIC FIREWORKS DISPLAY REQUIRED. (a) It shall be unlawful for any person to give or provide a fireworks display for the public or for organized groups without first obtaining a permit to do so by making application at least 30 days in advance of the desired display. Approval of the permit shall be by sole and absolute discretion of the governing body. No permit shall be approved unless the applicant pays a non refundable fee of \$25.00 (twenty-five dollars) and furnishes a certificate of public liability insurance for the display in a minimum amount of \$1,000,000, (one million dollars) written by an insurance carrier licensed to do business in Kansas, conditioned as being non-cancellable except by giving 10 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. The application for the permit shall clearly state:

(1) The name of the applicant and the group for which the display is planned.

(2) The location, date and time of the display.

(3) The nature or kind of fireworks to be used.

(4) The name of the person, firm or corporation that will make the actual discharge of the fireworks.

(5) 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.

(Ord. 390; Code 2014)

7-307. APPROVED FIREWORKS; BOTTLE ROCKETS PROHIBITED. (a) All fireworks offered for sale and discharged within the city shall be of a type that has been tested and approved for sale and use within the state by the state fire marshal.

(b) Bottle rockets and other similar self-propelled firework or fireworks devices consisting of a tube and attached guiding stock or rod shall not be sold or discharged in the city. (Ord. 390; Code 2014)

- 7-308. DISCHARGE ON STREETS, PUBLIC PROPERTY, AND INSIDE BUILDINGS PROHIBITED. It shall be unlawful for any person to discharge, ignite or fire any fireworks upon any public street, alley or avenue or in any park, public place or building within the city. (Ord. 390; Code 2014)
- 7-309. THROWING PROHIBITED. It shall be unlawful for any person to throw, cast or propel fireworks of any kind in the direction of or into the path of any animal, person or group of persons, or from, in the direction of or into any vehicle of any kind. (Ord. 390; Code 2014)
- 7-310. SALE OF FIREWORKS; WHERE PROHIBITED. (a) The location of the fireworks stand shall be at least 100 feet from any dwelling or structure or the location of the stand will not create any hazard relating to movement or circulation of traffic or pedestrians.  
(b) It shall be unlawful for fireworks to be stored, sold or displayed for sale in a place of business where any flammable or combustible substances are kept, unless such fireworks are in a separate or distinct section or department on the premises.  
(c) Where the designated city official deems there is a fire hazard, he or she is hereby authorized to have such hazard abated.  
(Ord. 390; Code 2014)
- 7-311. 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.  
(Code 2014)
- 7-312. FIRE EXTINGUISHERS REQUIRED. (a) Two functioning and approved fire extinguishers must be provided and kept in close proximity to the stock of fireworks in all permanent buildings where fireworks are stored, sold or displayed for sale.  
(b) Small stands, temporarily erected to be used as a place for storing and selling fireworks only, shall have one such fire extinguisher, or in lieu of the fire extinguisher, a pressurized water hose with nozzle end within five feet of the fireworks stand. (Code 2014)
- 7-313. RESTRICTIONS AS TO GASOLINE INSTALLATIONS. It shall be unlawful to store, keep, sell, display for sale or discharge any fireworks within 50 feet of any gasoline pump, gasoline filling station, gasoline bulk station or any building in which gasoline or volatile liquids are sold in quantities in excess of one gallon, except in stores where cleaners, paints and oils are handled in sealed containers only.  
(Code 2014)

7-315. PENALTIES. Any person, firm, partnership, association, or corporation violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than \$10.00 nor more than \$500.00. (Ord. 390; Code 2014)

7-316. BANNING FIREWORKS. The Mayor and or City Council shall have the authority and discretion to ban the discharge of all fireworks within the corporate limits of the City of Carbondale if the weather conditions make discharge of fireworks in the City hazardous to persons or property. (Code 2014)

