

**CITY OF STANFORD, KENTUCKY
STANFORD CODE OF ORDINANCES
TITLE IX: GENERAL REGULATIONS
CHAPTER 93: FIREWORKS; FIRE PREVENTION
SECTION 93.11-93.15 FIREWORKS
ORDINANCE NO. 310.03**

ORDINANCE ESTABLISHING THE GUIDELINES FOR FIREWORKS

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ORDINANCE ESTABLISHING THE GUIDELINES FOR FIREWORKS

WHEREAS, the sale of fireworks is defined and regulated by the Commonwealth of Kentucky by the enactment of KRS 227 et. Seq. and corresponding administrative regulations, and;

WHEREAS, the regulation of fireworks sales has been expanded by the Commonwealth of Kentucky to allow three distinct forms of registration, and;

WHEREAS, pursuant to the authority of KRS 227 et. Seq. and the City of Stanford, Kentucky shall be responsible for the enforcement of the laws of the Commonwealth of Kentucky regulating fireworks sales in the limits of the City;

NOW THEREFORE BE IT ORDAINED BY THE CITY OF STANFORD AS FOLLOWS:

Section 1

That Chapter 93.11-93.15 in its entirety, as codified by the City of Stanford Code of Ordinances, is rescinded and replaced with the following:

CHAPTER 93: FIREWORKS

93.10 Adoption of State Law by Reference

93.11 Discharge of Consumer Fireworks

93.12 Rules and Regulations for Storage and Sale of Fireworks

93.13 Permit Required; Display of Permit

93.99 Penalty (Addition)

§ 93.10 ADOPTION OF STATE LAW BY REFERENCE.

The City hereby adopts and makes a part of this chapter by reference KRS 227.700 through and including KRS 227.992, including the definitions contained therein unless the context requires otherwise. All of the provisions of KRS 227.700 to KRS 227.992 apply to the sale, storage, display, possession of fireworks within the City, and any portion of this chapter determined to be in conflict therewith, shall have no force or effect, and the provisions of this chapter are intended to enhance the regulatory scheme set out in the reference sections of the Kentucky Revised Statutes.

§ 93.11 DISCHARGE OF CONSUMER FIREWORKS.

- (A) Persons 18 years of age or older may discharge, use, ignite, fire or explode those consumer fireworks authorized by KRS 227.702(2) and (3) provided that they not do so within 200 feet of any building, vehicle or person. Fireworks, including consumer fireworks, may only be discharged or used between the

hours of noon and 10:00pm on June 28th through July 3rd, and on July 5th of any year. On July 4th of any year, fireworks, including consumer fireworks may only be discharged between the hours of noon and 12:30am. Fireworks, including consumer fireworks may only be discharged between the hours of 11:30pm and 12:30am on New Year's Eve/Day of any year and within (2) hours of any major Kentucky state university winning a national championship, and excluding local outdoor school sports activities.

- (B) Any persons wishing to use, ignite, fire, or explode those fireworks in the City authorized by KRS Chapter 227 and this chapter on any other days shall obtain a permit from the City Fire Chief or his/her designee with the issuance of the permit conditioned on the applicant complying with all applicable state statutes and regulations and this chapter. The permit application shall be filed no later than 15 days prior to the proposed use of the fireworks and shall be on a form provided by the City.
- (C) The permit, if granted, shall be valid for a four hour period on the permitted date between the hours of noon and 11:00pm. Consumer fireworks, as defined in KRS 227.702 (2) and (3) may only be used by individuals 18 years of age or older and shall NOT be ignited within 200 feet of any structure, vehicle, or any other person. Fireworks, including consumer fireworks, shall not be ignited or discharged from a motor vehicle and shall not be ignited nor discharged on property of another without the consent of the owner or occupant nor on public property.

§ 93.12 RULES AND REGULATIONS FOR STORAGE AND SALE OF FIREWORKS.

- (A) The storage and sale of fireworks must be conducted in accordance with and only in areas permitted for storage and/or retail sales under the City Zoning Ordinance.
- (B) Consumer fireworks sold shall be limited to those as described by Kentucky Revised Statutes.
 - (1) No person, firm, partnership, corporation or other business entity shall offer for sale, expose for sale, sell at retail, keep with the intent to sell, possess, use or explode any display fireworks, except as authorized in KRS 227.710.
 - (2) The Fire Chief may grant permits for supervised public displays of fireworks with such public displays handled by a competent display operator. All public displays must comply with the provisions of KRS 227.710 and no permit shall be approved without documentation that the display has been approved by the State Fire Marshal. The permit shall be valid only for the specific authorized public display event, shall be valid only for the designated permittee and shall not be transferable.

- (C) The storage and the sale of consumer fireworks within the City must be made within the confines of a temporary structure and such storage and sale of consumer fireworks shall not be within or from any permanent structure.
- (D) The storage and the retail sales of consumer fireworks shall comply with all federal and state rules and regulations.
- (E) All persons involved in the storage and sale of consumer fireworks must be 18 years of age or older.
- (F) Sales of fireworks shall not be made to anyone who is not at least 18 years of age at the time of the sale.
- (G) There shall be fire extinguishers on the premises where fireworks are stored and/or sold pursuant to the National Fire Protection Association (NFPA) 1 (NFPA 1: Fire Code) and 101 (NFPA 101: Life Safety Code).
- (H) There shall be a functioning telephone on the premises wherever consumer fireworks are stored or sold and the telephone shall be easily accessible at all times for the purpose of calling the Fire Department or summoning any other needed assistance.
- (I) There shall be no smoking permitted on the premises where consumer fireworks are stored or offered for sale and appropriate "No Smoking" signs shall be conspicuously displayed on the premises.
- (J) There shall be no storage or sale of consumer fireworks within any of the residential zones as defined in the City Zoning Ordinance.
- (K) Anyone storing consumer fireworks or offering consumer fireworks for sale shall obtain a City business privilege license and shall conspicuously display same on the premises at all times.
- (L) The storekeeper or vendor of fireworks shall maintain a current inventory control sheet which shall be kept on the premises and available for inspection at all times.
- (M) There shall be no storage or sale of consumer fireworks on premises which sell gasoline or petroleum products.
- (N) There shall be no sleeping accommodations within the premises where consumer fireworks are stored or offered for sale and no one shall be allowed to sleep within the premises.
- (O) The premises where consumer fireworks are stored or offered for sale shall be available for reasonable inspection at all times by designated authorities of the City.
- (P) There shall be no storage or sales of consumer fireworks within 100 feet of any gasoline storage tanks or gasoline dispensing pumps.
- (Q) All advertising of consumer fireworks for sale shall conform with the City Sign Ordinance and the City Zoning Ordinance.

§ 93.13 PERMIT REQUIRED; DISPLAY OF PERMIT.

- (A) The permit for storage or the retail sale of consumer fireworks shall be prominently displayed at all times on the premises where consumer fireworks are stored or offered for sale and the permit shall be available for inspection at all times.
- (B) Due to the need to closely inspect and monitor the sale of fireworks, the City hereby imposes fees to cover the cost of the inspection of facilities and inspections of the sale of fireworks. The fees for permits required by this chapter are as follows:
- (1) There shall be no fee for the review, issuance and inspections for the fireworks permit or for the use permit required in § 93.11.
 - (2) The fee for the review, issuance, and inspections for a seasonal fireworks retail permit and a permanent fireworks retail permit for the sale of consumer fireworks as defined in KRS 227.702(1) shall be \$25 for the initial annual permit and the same for each annual renewal. This permit fee shall be in addition to all other occupational license fees payable by the permittee.
 - (3) The fee for the review, issuance and inspections for a seasonal fireworks retail permit for the sale of consumer fireworks as defined in KRS 227.702(2) and (3) shall be \$250 annually. This permit fee shall be in addition to all other occupational license fees payable by the permittee. If consumer fireworks as defined in KRS 227.702(1) are also sold, the total annual fee shall be \$250.
 - (4) All permits required by this chapter shall be issued by the Fire Chief or his/her designee. All permit fees shall be payable to the City of Stanford and are to be submitted to the City Clerk located in City Hall, prior to the issuance of any permit.

§ 93.99 PENALTY.

(A) The penalty for noncompliance with this chapter is a fine of not less than \$100 nor more than \$500 for each violation. If violations exist in a dwelling or rooming unit as specified in §93.58, each unit shall be deemed and considered a separate violation.

(B) The penalty for noncompliance with this chapter is automatically waived if the dwelling or dwelling unit is brought into compliance with this chapter within 30 days of the original violation. The property owner shall request an inspection from the fire department to verify compliance and have the waiver provision applied.

(C) Any person convicted of violating § 93.11 shall be deemed guilty of a violation and subject to the monetary fine set out in KRS 534.040.

(D) The Fire Chief may revoke or suspend the permit of any person or business entity that violates the provisions of § 93.10 through § 93.13, including but not limited to, the failure of the permittee to comply with § 93.10 through § 93.13 and other laws and

regulations involving the sale, display or storage of fireworks, the failure of the permittee to pay the appropriate permit fees and other taxes and fees payable to the city, and the submission by the permittee of an application that contains material that is false or untrue statements.

(E) Any fireworks stored, sold or used in violation of this chapter may be removed by the Fire Chief or his/her designee in cooperation with the State Fire Marshall pursuant to the provisions of KRS 227.750.

Section 2

All Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 3

This Ordinance shall be in full force and effect from and after its adoption, approval and publication as is required by law.

PASSED by City Council of the City of Stanford, Lincoln County, Kentucky after having its 1st reading on August 1st, 2019, and its 2nd reading on September 5th, 2019, and published in the Interior Journal on September 12th, 2019.

Signed: Scottie Ernst Date: Sept 5, 2019
Scottie Ernst, Mayor, City of Stanford, KY

Attest: Jane Allen Date: 9/5/19
Jane Allen, City Clerk, City of Stanford, KY