

Passed: 12-9-08
Published: 12-17-08

ORDINANCE NO. 1969

AN ORDINANCE AMENDING SECTION 5.36.120 OF THE DERBY MUNICIPAL CODE, REGULATING STORAGE, SALE AND DISCHARGE OF FIRE WORKS WITHIN THE CITY; AUTHORIZING POLICE OFFICERS AND CODE ENFORCEMENT OFFICERS TO ENFORCE CHAPTER 5.36 OF SAID CODE; AND REPEALING ORIGINAL SECTIONS 5.36.110 AND 5.36.120 OF SAID CODE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DERBY, KANSAS:

Section 1. §5.36.120 of the Derby Municipal Code is hereby amended to read as follows:

5.36.120 Storage, sale and discharge of fireworks prohibited in certain locations.

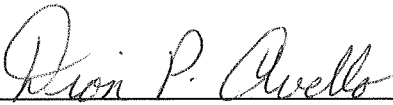
- A. No person shall sell, store, keep or discharge fireworks:
 - 1. Within 100 feet of any gasoline pump, gasoline filling station, gasoline bulk station or any building in which gasoline or volatile liquids are sold in quantities in excess of one gallon, except in stores where cleaners, paints, and oils are stored in sealed containers only; or
 - 2. Within 50 feet of an inhabited commercial or industrial structure.
- B. No person shall sell fireworks, or keep or store fireworks for the purpose of sale, within 100 feet of a residence.
- C. Unless expressly authorized by the City, no person shall discharge fireworks:
 - 1. Within 100 feet of any retail fireworks stand or facility where fireworks are stored;
 - 2. On any publicly owned property;
 - 3. On any state highway or street designated by the City as an arterial or collector street;
 - 4. From, into, out of, on, under or in the direction of a car or other vehicle, whether moving or stationary; or
 - 5. In a manner which interferes with the flow of vehicular or pedestrian traffic on a public street.

Section 2. Any duly authorized law enforcement officer or code enforcement officer of the City may enforce the provisions of chapter 5.36 of the Derby Municipal Code and issue notices to appear in municipal court alleging a violation thereof.

Section 3. Original sections 5.36.110 and 5.36.120 of the Derby Municipal Code are hereby repealed.

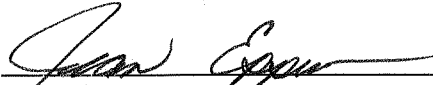
Section 4. This Ordinance shall be effective from and after its publication once in the official City newspaper.

ADOPTED BY THE GOVERNING BODY this 9th day of December, 2008.




Dion P. Avello, Mayor

ATTEST:



Jean Epperson, City Clerk

Approved as to form:



Philip H. Alexander, City Attorney