

**CHAPTER VII. FIRE**

- Article 1. Reserved
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- Article 3. Fireworks

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**ARTICLE 1. RESERVED**

## ARTICLE 2. FIRE PREVENTION

- 7-201. SAME; AMENDMENTS. (a) Wherever the word municipality is used in the code hereby adopted, it shall be held to mean the City of Richmond.  
(b) All sections of the Uniform Fire Code relating to fireworks are hereby deleted in their entirety.  
(Code 2013)
- 7-202. OPEN BURNING; PURPOSE. The governing body has found that open burning within the corporate limits of the City of Richmond is a nuisance and creates potential hazards. It is hereby deemed necessary by the governing body to prohibit such open burning without a burn permit, and to set forth requirements for such a permit, and a written policy regarding such a permit as provided in this article. (Ord. 2000-1; Code 2013)
- 7-203. SAME; DEFINITIONS. For the purpose of this article, the following words and terms shall have the following meanings:  
(a) "Fire Department" shall mean the Richmond Consolidated Fire Department or its successor.  
(b) "Burn Permit Officer" shall mean the Fire Chief or the Acting Fire Chief of the Richmond Consolidated Fire Department, the City of Marshall, and the City Maintenance Man. Any of the aforementioned Burn Permit Officers may individually issue burn permits in conformance with this article, the Burn Permit Policy, and any other applicable law. The Mayor may appoint a person to serve as a Burn Permit Officer in the event that any of the aforementioned Burn Permit Officers fail or are unable to serve.  
(c) "Open Burning" shall mean any burning that takes place outside a residential or business structure or any accessory structure thereto.  
(d) "Burn Permit" shall mean a written permit designed to license, specify and document open burning. Such permit is subject to the approval of the Governing Body, and may be reviewed and amended at any time by the Governing Body. Such permit shall be made available for public examination at the City Hall during normal business hours.  
(e) "Burn Permit Policy" shall mean a written policy which sets forth the conditions for the issuance of a Burn Permit. Such policy is subject to the approval of the Governing Body, and may be reviewed and amended at any time by the Governing Body. Such policy shall be made available for the public examination at the City Hall during normal business hours.  
(Ord. 2000-1; Code 2013)
- 7-204. SAME; SCOPE. This article is created to regulate the burning of garbage, trash, leaves, brush, lumber, petroleum, products, oils, tires, composition shingles, tar paper, chemicals, hazardous materials and all similar items.  
(a) Any burning that takes place within a residential or business structure or any accessory structure thereto that is fueled by wood, coal, or gas and is related to heating, cooking, or other lawful private or commercial pursuits is beyond the scope of this article, except that any such burning that creates a

nuisance or a hazard is declared unlawful and is subject to the Ames established herein.

(b) Nothing in this article shall be construed to abrogate or impair the powers of the Courts or of any department of the City of Richmond to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this article shall be in addition to and supplemental to the powers conferred by the Constitution, any other law or ordinance. Nothing in this article shall be construed to impair or limit in any way the power of the City of Richmond to define and declare nuisances and to cause their removal or abatement by summary proceeding or otherwise. (Ord. 2000-1; Code 2013)

7-205. SAME; PROCEDURE. Open burning is hereby prohibited within the corporate limits of the City of Richmond, unless the individual conducting the burning obtains a burn permit from a Burn Permit Officer prior to the commencement of such burning. An individual seeking a Burn Permit may contact a Burn Permit Officer during normal business hours through the City Clerk or as posted at City Hall. (Ord. 2000-1; Code 2013)

7-206. SAME; POWERS AND DUTIES OF BURN PERMIT OFFICER. A Burn Permit officer is hereby authorized to exercise such powers and duties as may be necessary to carry out the purposes of this article, including the following:

(a) To review and revise the Burn Permit Policy at the direction of the Governing Body, and to advise the Governing Body in regard to this article.

(b) At his or her discretion, to inspect any premises for which a Burn Permit is sought prior to the issuance of a Burn Permit.

(c) Issue or refuse to issue Burn Permits in accordance with the Burn Permit Policy, taking into account any case-specific factors not expressly stated in the Burn Permit Policy which involve the issues of nuisance and /or hazard.

(d) Keep appropriate records of Burn Permit applications and Burn Permits issued.

(e) Have authority to enter upon a premises for which a burn permit is sought or has been obtained for the purpose of inspecting an open burning or for any other purposes related to this article.

(f) Cause the extinguishment of any open burning being conducted without a Burn Permit, or in violation of a Burn Permit, the Burn Permit Policy, and/or this article or otherwise to bring violators of this article into compliance.

(g) To give testimony in Court regarding violations charged under this article.

(Ord. 2000-1; Code 2013)

7-207. SAME; DUTY OF OWNER. Whenever a property owner becomes aware of any open burning being conducted without a Burn Permit, or of any violation of a Burn Permit the Burn Permit Policy, and/or this article on his or her property, regardless of how or by whom such unpermitted open burning or other such violation originated, it shall be the duty and obligation of such property owner to immediately cause the cessation of such unpermitted open burning or other violation. Failure to do so is a violation of this article by any and all such property owners. (Ord. 2000-1; Code 2013)

- 7-208. SAME; FINES. Any person who denies entry to a Burn Permit Officer who seeks to enter a premises for the purpose of inspecting an open burning or for any other purposes related to this article is subject to a fine not less than \$50.00 nor more than \$500.00. Upon a first conviction for any other violation under this article, the offender shall be fined \$50.00; for a second conviction, the offender shall be fined \$150.00; for third and subsequent convictions the offender shall be fined not less than \$200.00 nor more than \$500.00. (Ord. 2000-1; Code 2013)
- 7-209. SAME; INTERPRETATION. In their interpretation and application, the provisions of this article shall be liberally construed in favor of the City of Richmond, the Burn Permit Officers, the Burn Permit Policy, and the Governing Body. (Ord. 2000-1; Code 2013)
- 7-210. SAME; SEVERABILITY. If any section, clause, provision, or portion of this article is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this article shall not be affected thereby. (Ord. 2000-1; Code 2013)
- 7-211. 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. (Code 2013)
- 7-212. 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. (Code 2013)
- 7-213. 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. (Code 2013)
- 7-214. FILLING GASOLINE TANKS OF MOTOR VEHICLES. 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. (Code 2013)
- 7-215. 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 2013)

### 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 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 .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. 2004-2; Code 2013)
- 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. 2004-2; Code 2013)
- 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 12:00 midnight on June 27th through July 4<sup>th</sup> and between 8:00 a.m. December 31st and 12:30 a.m. January 1st.
- (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. 2004-2; Code 2013)
- 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 10:00 p.m. commencing June 27th and through July 4th of each year for which a permit has been obtained. (Ord. 2004-2; Code 2013)

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 establishment or premises to the city clerk and applying for and securing a permit therefor on or before June 25th of the permit year.

(b) No permit shall be issued for any location where retail sales are not permitted under the zoning laws. Prior to the issuance of the permit, an inspection will be made of the applicant's facility for compliance with this chapter and other pertinent laws, and no permit shall be issued for any premises not in compliance with such laws. Upon qualifying for the permit, the permittee shall prominently display the same at the establishment or premises where fireworks are to be sold or displayed for sale. The permit fee shall not be refundable upon failure to qualify for the permit or withdrawal or cancellation of the application or permit.

(Ord. 2004-2; Code 2013)

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 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 of \$1,000,000.00, 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.
- (2) The group for which the display is planned.
- (3) The location of the display.
- (4) The date and time of the display.
- (5) The nature or kind of fireworks to be used.
- (6) The name of the person, firm or corporation that will make the actual discharge of the fireworks.

(7) 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. 2004-2; Code 2013)

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. 2004-2; Code 2013)

- 7-308. DISCHARGE ON STREETS AND PUBLIC PROPERTY 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 or public place within the city. (Ord. 2004-2; Code 2013)
- 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. 2004-2; Code 2013)
- 7-310. SALE OF FIREWORKS; WHERE PROHIBITED. (a) It shall be unlawful for fireworks to be stored, sold or displayed for sale in a place of business where paint, oils, varnishes, turpentine or gasoline or other flammable substances are kept, unless such fireworks are in a separate and distinct section or department of the premises.  
(b) Where the fire chief deems there is a fire hazard, he or she is hereby authorized to have such hazard abated. (Ord. 2004-2; Code 2013)
- 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. (Ord. 2004-2; Code 2013)
- 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. (Ord. 2004-2; Code 2013)
- 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. (Ord. 2004-2; Code 2013)



7-314.           **AUTHORITY OF FIRE CHIEF.** The chief of the fire department is authorized to seize and confiscate all fireworks which may be kept, stored or used in violation of any section of this article, and all of the rules of the state fire marshal. He or she shall dispose of all such fireworks as may be directed by the governing body. (Ord. 2004-2; Code 2013)

7-315.           **BANNING FIREWORKS.** The Mayor shall have the authority and discretion to ban the discharge of all fireworks within the corporate limits of the City of Richmond if the weather conditions make discharge of fireworks in the City hazardous to persons or property. (Code 2013)