

RESOLUTION NO. 2011 - 12

**A RESOLUTION REGULATING THE USE OF
FIREWORKS WITHIN THE BOUNDARIES OF
KIOWA COUNTY, KANSAS**

WHEREAS Kiowa County is a duly organized county within the State of Kansas, and, pursuant to their home rule authority and the authority granted them pursuant to K.S.A. 31-134(b) hereby finds and resolves as follows:

WHEREAS Kiowa County often has dry and windy weather conditions that have the potential to create an extreme fire hazard in Kiowa County, Kansas; and

WHEREAS it is in the best interests of the citizens of Kiowa County, Kansas, for the County to have control of the use of fireworks within its boundaries but outside of incorporated municipalities; and

NOW THEREFORE, IT IS RESOLVED by the Board of Kiowa County Commissioners that effective on the 29th day of July, 2011, that the Kiowa County Fire Department Head is hereby authorized to ban the use of fireworks and to end any ban previously authorized, with proper publication, at his or her discretion, and without further action by the Board of Kiowa County Commission.

WHEREAS, the term "fireworks" shall mean and include any combustible or deflagration 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.

WHEREAS, this resolution does not apply to the use of toy smoke devices known as smoke balls, or tubes containing a pyrotechnic mixture which upon ignition produces a visible cloud of colored smoke, or to toy paper caps containing not more than twenty-five hundredths of a grain of explosive composition per cap.

WHEREAS, the use or discharge of prohibited fireworks devices within Kiowa County, Kansas after a ban has been determined shall be considered a violation of this resolution and shall be subject to the provisions thereof.

WHEREAS, no person shall cause or permit the use of any fireworks on any premises within the boundaries of Kiowa County, Kansas, but outside of incorporated municipalities while a ban is place. It shall be prima facie evidence that any person who owns or controls property on which fireworks are being used has caused or permitted such use.

WHEREAS, fireworks which are illegally used or discharged in violation of the provisions of this resolution shall be subject to seizure by any law enforcement official or any member of the fire department that has been duly authorized by the Kiowa County Department Head. Fireworks seized pursuant to this resolution may be disposed of by summary destruction at any time 30 days after the seizure or 30 days from the final termination of proceedings, whichever is later.

WHEREAS, any person violating this resolution shall be guilty of an unclassified misdemeanor punishable by a fine of not more than \$500.00; and

WHEREAS, in addition to any penalties that may be imposed, the violator of any provision of this resolution shall reimburse Kiowa County all costs incurred the Fire Department to extinguish any fire caused by the illegal use of fireworks during a ban.

WHEREAS failure to reimburse the County for the costs herein shall result in a lien upon the real estate and shall be collected by the County Treasurer and paid to the County as other real estate taxes are collected and paid

WHEREUPON this Resolution shall be in full force and effect upon publication in the official county newspaper and until otherwise modified or rescinded by the Board of Kiowa County Commissioners.

Passed this 29th day of July, 2011.

KIOWA COUNTY
BOARD OF COMMISSIONERS



Don Richards, Commissioner



Ron Freeman, Commissioner



John Unruh, Commissioner

ATTEST:



Carmen Renfrow, Kiowa County Clerk