

ORDINANCE NO. 675

AN ORDINANCE AMENDING CHAPTER VII, ARTICLE 3 SECTION 7-309 OF THE ROSE HILL CODE REGARDING THE APPLICATION FOR THE SALE OF FIREWORKS IN THE CITY TO PROVIDE PREFERENCE TO NONPROFIT ORGANIZATIONS SUPPORTING THE ROSE HILL COMMUNITY.

WHEREAS, the governing body of the City of Rose Hill, Kansas has long recognized that nonprofit organizations supporting the community are an integral part of the City;

WHEREAS, the Governing Body has historically granted applications for the sale of fireworks to nonprofit organizations supporting the community;

WHEREAS, the Governing Body desires to revise Chapter VII, Article 3 Section 7-309 of the Rose Hill City Code to provide notice to the public of the cities policy to prioritize approval of applications for fireworks in the city to nonprofit organizations supporting the community.

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

**Section 1.** Section 7-309 of the code of the City of Rose Hill is hereby amended to read as follows:

(a) It is hereby declared to be the policy of the City of Rose Hill, Kansas to provide preference in applications for the sale of fireworks to local nonprofit organizations supporting the Rose Hill community. For the purpose of this article, "local non-profit organization" is defined as:

- (1) An organization exempt from federal income tax pursuant to section 501(c) of the Internal Revenue Code of 1986, as in effect on the effective date of this article; and
- (2) Is organized under public or private auspices especially for the purpose of establishing and operating community programs or services in the Rose Hill area, or for purposes primarily concerning the general welfare of the Rose Hill community.

(b) It shall be unlawful for any individual or organization to store, display, sell or offer for sale fireworks in the city without first having made an application to and having received the proper permit to do so from the city. Approval of the retail location must be obtained from the governing body as part of the application process for the permit.

(c) The applicant shall file an application with the city clerk not later than the 18th day of May for the year 1990 and the 1st Thursday of May for each year thereafter, and each application shall state or be accompanied by the following:

- (1) The name and address of the organization applying and of the person representing the applicant;
- (2) The place where such fireworks are to be sold and the name and address of the owner or owners of such place;
- (3) The day or days upon which the fireworks are intended to be sold;

- (4) A description of the structure in which the fireworks are to be sold;
- (5) Insurance letter of availability;
- (6) A statement that the applicant, if granted permission to sell fireworks, will at all times comply with all ordinances of the city and laws of the State of Kansas relating to the sale of fireworks;
- (7) A copy of the agreement between the landowner and the applicant, if applicant intends to sell fireworks on property owned by some person or entity other than the applicant;
- (8) A listing of security personnel pursuant to section 7-310 of this article, including identification of those who are trained in first aid; and
- (9) The payment for the cost of the permit pursuant to section 7-308 shall accompany the application.

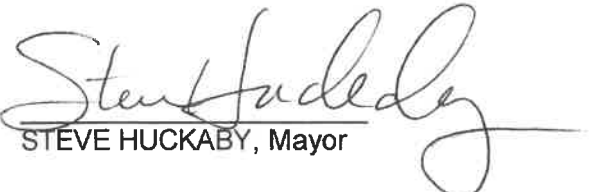
(d) If the application is approved by the governing body, it shall direct the city clerk to forthwith issue a permit to the applicant for the sale of fireworks on the days specified in the application and at the place indicated in such application.

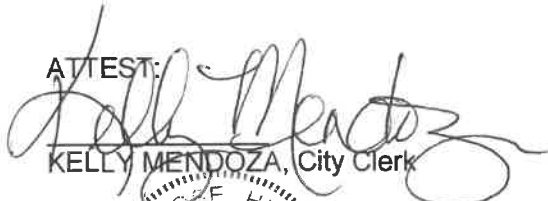
(e) If the application is not approved by the governing body, it shall direct the city clerk to notify the applicant within seven days of the decision with return of the permit fee.

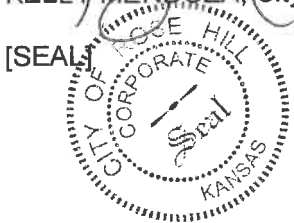
**Section 2.** Section 7-309 of the code of the City of Rose Hill is hereby repealed.

**Section 3.** This Ordinance shall take effect and be in force from and after publication in the official city newspaper.

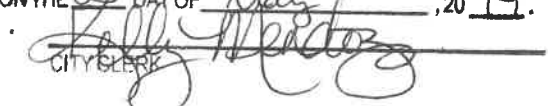
PASSED AND APPROVED this 20 day of May, 2019.

  
 STEVE HUCKABY, Mayor

ATTEST:  
  
 KELLY MENDOZA, City Clerk



I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL ORDINANCE; THAT SAID ORDINANCE WAS PASSED ON THE 20 DAY OF May, 2019; THAT THE RECORD OF THE FINAL VOTE ON ITS PASSAGE IS FOUND ON PAGE 3 OF THE MINUTES; A CERTIFIED SUMMARY OF THE ORDINANCE WAS PUBLISHED IN THE Rose Hill Reporter ON THE 23 DAY OF May, 2019.

  
 CITY CLERK