

ORDINANCE NO. 67

AN ORDINANCE RELATING TO THE SALE, POSSESSION AND USE OF FIREWORKS WITHIN THE CITY OF WESTWOOD HILLS, KANSAS.

Be it ordained by the Governing Body of the City of Westwood Hills, Kansas.

SECTION 1. DEFINITION.

The term "fireworks", as used in this chapter, shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers, or other fireworks of like construction, and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance. The term "fireworks" shall not include any toy pistols, toy canes, toy guns or other devices in which are used paper caps manufactured in accordance with the United States Interstate Commerce Commission regulations for packing and shipping of toy paper caps, nor any toy pistol paper caps manufactured as provided therein, the sale and use of which shall be permitted at all times. Provided, that nothing in this ordinance shall be deemed or construed to prevent, prohibit or regulate the use of explosives of any nature, or any substance or device used in connection with such explosives, in any building or construction work or activities within the City.

SECTION 2. SALE AND USE PROHIBITED.

Except as hereinafter provided it shall be unlawful for any person to offer for sale, expose for sale, sell at retail, give away, furnish, possess, use or explode any fireworks in the city. Except as hereinafter authorized, all fireworks found within the city shall be confiscated and destroyed.

SECTION 3. PENALTY

Any person violating Section 2 of this ordinance shall be deemed guilty of misdemeanor and upon conviction thereof shall be punished according to Section 3 - 301, Revised Ordinance of the City of Westwood Hills, Kansas.

SECTION 4. REPEAL.

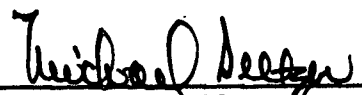
There is hereby repealed Ordinance No. 23.

SECTION 5. TAKE EFFECT.

This ordinance shall take effect and be in force after its official publication.

Passed by the City Council the ¹⁴~~7~~th day of June, 1965.

Approved by the Mayor the ¹⁴~~7~~th day of June, 1965.



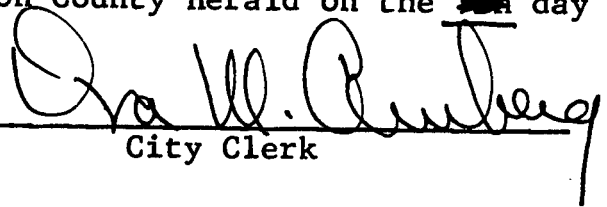
Mayor

ATTEST:



City Clerk

I hereby certify that the foregoing is a true and correct change of the original ordinance, that said ordinance was passed on the 14th day of June, 1965, and that the record of the final vote on its passage is found in the minutes of the meeting of the City Council on June 14, 1965, and that it was published in the Johnson County Herald on the 14th day of June, 1965



City Clerk

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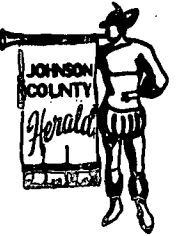
Michael Deegan
Mayor

ATTEST:

Orville R. Rulberg
City Clerk

I hereby certify that the foregoing is a true and correct change of the original ordinance, that said ordinance was passed on the ¹⁴th day of June, 1965, and that the record of the final vote on its passage is found in the minutes of the meeting of the City Council on June ¹⁴, 1965, and that it was published in the Johnson County Herald on the ~~3~~th day of June, 1965

Orville R. Rulberg
City Clerk



CITY OF WESTWOOD HILLS
(First Published in Johnson County
Herald, Thursday, June 24, 1965)
ORDINANCE NO. 67

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This ordinance shall take effect and be in force after its official publication. Passed by the City Council the 14th day of June, 1965.

Approved by the Mayor the 14th day of June, 1965.

/s/Michael Seltzer
Mayor

ATTEST:
Ora M. Amberg,
City Clerk

50

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(First Published in Johnson County
Herald, Thursday, June 24, 1965)
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Approved by the Mayor the 14th day of June, 1965.

/s/Michael Seltzer
Mayor

ATTEST:
Ora M. Amberg,
City Clerk

50

AFFIDAVIT OF PUBLICATION
State of Kansas, County of Johnson, ss:

BILL NEFF

of lawful age, being duly sworn upon oath states that he is the Editor of the Johnson County Herald, that said newspaper has been published at least weekly, fifty (50) times a year, and has been so published for at least one year prior to the first publication of the attached notice.

That said paper has a general paid circulation on a semi-weekly basis, was entered as second class matter July 17, 1924 at the postoffice at Overland Park, Kansas, under the Act of March 3, 1897, is not a trade, religious, or fraternal publication, and is printed in Johnson County, Kansas.

The attached notice is a true copy, and was printed and published in the regular and entire issue of the Johnson County Herald for.....1.....consecutive weeks:

First week: June 24, 1965

Second week:

Third week:

Fourth week:

Fifth week:

Sixth week:

Bill Neff
BILL NEFF, Manager

Subscribed in my presence and sworn to before me

this 24 day of June, 1965

Chas. L. Lawrence
Notary Public in and for
Johnson County, Kansas

My commission expires January 23, 1967

Publication fee - - - - - \$ 10.40

Affidavits, Notary's fee - - - - - \$

Additional copies - - - @ - - - \$

Total publication fee - - - - - \$ 10.40

IN THE.....COURT OF
JOHNSON COUNTY, KANSAS
State of Kansas, Johnson County, ss:

....., 19.....

The within Proof of Publication approved by

Johnson County Herald—Fully qualified to
publish legal notices

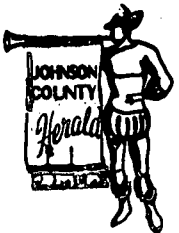
Case No.

Plaintiff.

vs.

Defendant.

PROOF OF PUBLICATION



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State of Kansas, County of Johnson, ss:

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Bill Neff
BILL NEFF, Manager

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this24..... day of.....June....., 19.65

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Notary Public in and for
Johnson County, Kansas

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CITY OF WESTWOOD HILLS

(First Published in Johnson County
Herald, Thursday, June 24, 1965)

ORDINANCE NO. 67

**AN ORDINANCE RELATING TO THE
SALE, POSSESSION AND USE OF FIRE-
WORKS WITHIN THE CITY OF WEST-
WOOD HILLS, KANSAS.**

Be it ordained by the Governing Body
of the City of Westwood Hills, Kansas.

SECTION 1. DEFINITION.

The term "fireworks," as used in this chapter, shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers, or other fireworks of like construction, and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance. The term "fireworks" shall not include any toy pistols, toy canes, toy guns or other devices in which are used paper caps manufactured in accordance with the United States Interstate Commerce Commission regulations for packing and shipping of toy paper caps, nor any toy pistol paper caps manufactured as provided therein, the sale and use of which shall be permitted at all times. Provided, that nothing in this ordinance shall be deemed or construed to prevent, prohibit or regulate the use of explosives of any nature, or any substance or device used in connection with such explosives, in any building or construction work or activities within the City.

SECTION 2. SALE AND USE PROHIBITED.

Except as hereinafter provided it shall be unlawful for any person to offer for sale, expose for sale, sell at retail, give away, furnish, possess, use or explode any fireworks in the city. Except as hereinafter authorized, all fireworks found within the city shall be confiscated and destroyed.

SECTION 3. PENALTY

Any person violating Section 2 of this ordinance shall be deemed guilty of misdemeanor and upon conviction thereof shall be punished according to Section 3-301, Revised Ordinance of the City of Westwood Hills, Kansas.

SECTION 4. REPEAL.

There is hereby repealed Ordinance No. 23.

SECTION 5. TAKE EFFECT.

This ordinance shall take effect and be in force after its official publication. Passed by the City Council the 14th day of June, 1965.

Approved by the Mayor the 14th day of June, 1965:

/s/Michael Seltzer

ATTEST:
Ora M. Amberg,
City Clerk



Case No.

Plaintiff.

vs.

Defendant.

PROOF OF PUBLICATION

AN ORDINANCE RELATING TO THE SALE, POSSESSION AND USE OF FIREWORKS WITHIN THE CITY OF OVERLAND PARK, KANSAS; ESTABLISHING A PERMIT FEE FOR PUBLIC DISPLAY OR EXHIBITION THEREOF; PROVIDING PENALTIES THEREFOR; REPEALING ORDINANCE NO. FW-105 AND AMENDMENTS NO. 105A AND NO. 105B.

Be it ordained by the Governing Body of the City of Overland Park, Kansas:

- 4-201 -

SECTION 1. DEFINITION.

The term "fireworks", as used in this chapter, shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, fire-crackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers, or other fireworks of like construction, and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance. The term "fireworks" shall not include any toy pistols, toy canes, toy guns or other devices in which are used paper caps manufactured in accordance with the United States Interstate Commerce Commission regulations for packing and shipping of toy paper caps, nor any toy pistol paper caps manufactured as provided therein, the sale and use of which shall be permitted at all times. Provided, that nothing in this ordinance shall be deemed or construed to prevent, prohibit or regulate the use of explosives of any nature, or any substance or device used in connection with such explosives, in any building or construction work or activities within the City.

- 4-202 -

SECTION 2. SALE AND USE PROHIBITED.

Except as hereinafter provided it shall be unlawful for any person to offer for sale, expose for sale, sell at retail, give away, furnish, possess, use or explode any fireworks in the city. Except as hereinafter authorized, all fireworks found within the City shall be confiscated and destroyed.

SECTION 3. PERMIT FOR PUBLIC DISPLAY BY PYROTECHNIC EXPERT. - GENERALLY.

Fireworks may be sold for use by experienced pyrotechnic experts in a public exhibition or display of fireworks; provided, that the person desiring to purchase such articles of fireworks shall exhibit to and file with the seller a permit, or a copy thereof, issued by the City Manager.

SECTION 4. SAME - APPLICATION.

An application for a permit for a public exhibition or display of fireworks shall, at least ten days before the day set for the display, file with the City Manager a written application, in triplicate, duly subscribed and sworn to by the applicant.

Such application shall set forth the following:

(1) The name of the association, organization or corporation sponsoring the display, together with the names of the persons to be in charge of the firing or discharging of the display.

(2) The date and time of day at which the display is to be held.

(3) The exact location planned for the display.

(4) A description setting forth the age, experience, residence and physical characteristics of the persons who are to do the actual firing and discharging of the fireworks.

(5) The number and kinds of fireworks to be discharged.

(6) The manner and place of the storage of such fireworks between the date of purchase and the date of display.

(7) A diagram or sketch of the grounds on which the display is to be held, showing the point at which the fireworks are to be discharged, the location of all buildings, streets and other lines of communication, the lines behind which the public will be restrained, and the location of all nearby trees, telegraph or telephone lines or other overhead obstructions.

SECTION 5. SAME - INVESTIGATION AND APPROVAL BY DIRECTOR OF FIRE DEPARTMENT; FEE.

A copy of an application filed under the preceding section shall be sent at once to the Fire Chief of the district in which the site is located, who shall make or cause to be made an investigation of the site of the proposed display and investigate the competence and skill of the persons to be in charge of the firing and discharge of the fireworks. If satisfied that the display will be conducted lawfully and in accordance with this ordinance, he shall so advise the City Manager. No permit shall be issued unless the approval in writing therefor, signed by the Fire Chief is filed with the City Manager. The applicant for a permit shall, at the time of filing application therefor, pay a fee of ten dollars (\$10.00), which sum shall be refunded in the event the application for such permit is denied.

SECTION 6. SAME. BOND OR INSURANCE POLICY REQUIRED.

Before a permit shall be issued for a public exhibition or display of fireworks, the applicant therefor shall file with the City Manager either a bond of the applicant with a solvent and responsible surety company, authorized to do business in the state, as surety thereon, or a policy or certificate of liability insurance acceptable to the City Manager and approved as to form by the City Attorney, conditioned that the applicant will pay all final judgments recovered against such applicant up to and including the sum of twenty-five thousand dollars for injury to or death of any one person, and up to and including two hundred thousand dollars for injury to or death of more than one person by reason of the carelessness or negligence of the applicant or persons in charge of the discharge of such fireworks; and ten thousand dollars for damage to the property by reason of the carelessness or negligence of the applicant or persons in charge of the discharge of the fireworks.

There shall be attached to all liability insurance policies issued pursuant to the requirements of this section, the following endorsement:

"In consideration of the premium stated in the policy to which this endorsement is attached, the company hereby agrees to pay any final judgment for personal injury, including death resulting therefrom, or damage to property, caused by the carelessness or negligence of the applicant, or person or persons in charge of the discharge of said fireworks, while operating under and pursuant to the permit issued by Overland Park, Kansas, authorizing a public display of fireworks at or near....., on the day of, within the limits set forth in the schedule shown hereon, and further agrees that upon its failure to pay any such final judgment, the judgment creditor may maintain an action in any court of competent jurisdiction to compel such payment. Nothing contained in the policy, or any endorsement thereon, nor the violation of any of the provisions thereof by the assured, shall relieve the company from liability hereunder, or from the payment of such judgment, attached to and forming a part of Policy No....., issued by Company to"

SECTION 7. CONDUCT OF PUBLIC DISPLAY.

A public display of fireworks shall be permitted only when the actual point at which the fireworks are to be fired is at least two hundred feet (200') from the nearest permanent building, public street or railroad or other means of travel, or fifty feet from the nearest aboveground telephone or telegraph line, tree or other overhead obstruction.

No fireworks shall be discharged, ignited or exploded at any point in the city within six hundred feet of any hospital, asylum or infirmary.

The audience at a public display of fireworks shall be restrained behind lines at least one hundred feet (100') from the point at which the fireworks are discharged, and only persons in active charge of the display shall be allowed inside these lines.

All fireworks that fire a projectile shall be so set up that the projectile will go into the air as nearly as possible at an angle of not more than fifteen degrees from vertical and directed away from the spectators; provided, that where such fireworks are to be fired beside a lake or other large body of water they may be directed in such a manner that the falling residue from the deflagration will fall into such body of water.

Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining.

No fireworks display shall be held during any windstorm in which the wind reaches a velocity of more than thirty miles per hour. In such cases, the chief of the fire prevention division may authorize the display at a future date suitable to the group holding the display.

The persons in actual charge of the firing of fireworks in a public display shall be able-bodied men of at least twenty-one (21) years of age and competent for the task. There shall be at all times at least two operators of the display constantly on duty during the discharge.

SECTION 8. FIRE EXTINGUISHERS AT PUBLIC DISPLAY.

At a public display of fireworks, at least two soda-acid or other approved Class A type fire extinguishers of at least two and one-half gallons capacity each, shall be kept at as widely separated points as possible within the actual area in which the discharging is being done.

SECTION 9. ENFORCEMENT OF PROVISIONS AS TO PUBLIC DISPLAY.

The Chief of Police is charged with the duty of enforcing all the provisions, terms and regulations of this ordinance relating to public display of fireworks.

SECTION 10. EXEMPTIONS FROM ORDINANCE.

Nothing in this Ordinance shall be construed as prohibiting any resident wholesaler, dealer or jobber from selling at wholesale such fireworks as are not herein prohibited, or the sale of any kind of fireworks; provided, that the same are to be shipped out of the city, nor shall this chapter be construed as prohibiting the manufacture, storage or use of signals, fuses or fireworks necessary for the safe operation of railroads, trucks, aircraft or other instrumentalities of transportation or of blank cartridges and blank pistols for a show or theatre or for signal or ceremonial purposes in athletics or sports or for use by military organizations.

SECTION 11. STORAGE OF FIREWORKS TO BE SOLD AT WHOLESALE.

Fireworks to be sold at wholesale shall be kept in a building used solely for the storage of fireworks. Such buildings must comply with pertinent Building Code requirements for this type of occupancy.

SECTION 12. PENALTY.

Any person violating the provisions of this chapter shall, upon conviction thereof, be fined not less than fifty dollars nor more than five hundred dollars (\$500.00) for each and every offense.

SECTION 13. REPEAL.

There is hereby repealed Ordinance No. FW-105 and Amendments 105A and 105B.

SECTION 14. TAKE EFFECT.

This ordinance shall take effect and be in force from and after its official publication.

Passed by the City Council this 21st day of October, 1963.

Approved by the Mayor this 22nd day of October, 1963.

ATTEST:

Mayor

City Clerk

APPROVED AS TO FORM AND LEGALITY.

City Attorney

PLAZA PROMOTION SERVICES, INC.

422 WARD PARKWAY KANSAS CITY, MO. 64112

PLAZA 3-5337

*Returning extra
copies*

May Swager

CITY OF WESTWOOD HILLS

(First Published in Johnson County

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Approved by the Mayor the 14th day of June, 1965.

/s/Michael Seltzer

Mayor

ATTEST:

Ora M. Amberg,

City Clerk

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Passed by the City Council the 14th day of June, 1965.

Approved by the Mayor the 14th day of June, 1965.

/s/Michael Seltzer

Mayor

ATTEST:

Ora M. Amberg,
City Clerk

CITY OF WESTWOOD HILLS

(First Published in Johnson County

Herald, Thursday, June 24, 1965)

ORDINANCE NO. 67

AN ORDINANCE RELATING TO THE SALE, POSSESSION AND USE OF FIREWORKS WITHIN THE CITY OF WESTWOOD HILLS, KANSAS.

Be it ordained by the Governing Body of the City of Westwood Hills, Kansas.

SECTION 1. DEFINITION.

The term "fireworks," as used in this chapter, shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers, or other fireworks of like construction, and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance. The term "fireworks" shall not include any toy pistols, toy canes, toy guns or other devices in which are used paper caps manufactured in accordance with the United States Interstate Commerce Commission regulations for packing and shipping of toy paper caps, nor any toy pistol paper caps manufactured as provided therein, the sale and use of which shall be permitted at all times. Provided, that nothing in this ordinance shall be deemed or construed to prevent, prohibit or regulate the use of explosives of any nature, or any substance or device used in connection with such explosives, in any building or construction work or activities within the City.

SECTION 2. SALE AND USE PROHIBITED.

Except as hereinafter provided it shall be unlawful for any person to offer for sale, expose for sale, sell at retail, give away, furnish, possess, use or explode any fireworks in the city. Except as hereinafter authorized, all fireworks found within the city shall be confiscated and destroyed.

SECTION 3. PENALTY

Any person violating Section 2 of this ordinance shall be deemed guilty of misdemeanor and upon conviction thereof shall be punished according to Section 3-301, Revised Ordinance of the City of Westwood Hills, Kansas.

SECTION 4. REPEAL.

There is hereby repealed Ordinance No. 23.

SECTION 5. TAKE EFFECT.

This ordinance shall take effect and be in force after its official publication.

Passed by the City Council the 14th day of June, 1965.

Approved by the Mayor the 14th day of June, 1965.

/s/Michael Seltzer

Mayor

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ATTEST:

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This ordinance shall take effect and be in force after its official publication.

Passed by the City Council the 14th day of June, 1965.

Approved by the Mayor the 14th day of June, 1965.

/s/Michael Seltzer

Mayor

ATTEST:

Ora M. Amberg,
City Clerk

CITY OF WESTWOOD HILLS

(First Published in Johnson County
Herald, Thursday, June 24, 1965)

ORDINANCE NO. 67

AN ORDINANCE RELATING TO THE SALE, POSSESSION AND USE OF FIREWORKS WITHIN THE CITY OF WESTWOOD HILLS, KANSAS.

Be it ordained by the Governing Body of the City of Westwood Hills, Kansas.

SECTION 1. DEFINITION.

The term "fireworks," as used in this chapter, shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers, or other fireworks of like construction, and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance. The term "fireworks" shall not include any toy pistols, toy canes, toy guns or other devices in which are used paper caps manufactured in accordance with the United States Interstate Commerce Commission regulations for packing and shipping of toy paper caps, nor any toy pistol paper caps manufactured as provided therein, the sale and use of which shall be permitted at all times. Provided, that nothing in this ordinance shall be deemed or construed to prevent, prohibit or regulate the use of explosives of any nature, or any substance or device used in connection with such explosives, in any building or construction work or activities within the City.

SECTION 2. SALE AND USE PROHIBITED.

Except as hereinafter provided it shall be unlawful for any person to offer for sale, expose for sale, sell at retail, give away, furnish, possess, use or explode any fireworks in the city. Except as hereinafter authorized, all fireworks found within the city shall be confiscated and destroyed.

SECTION 3. PENALTY

Any person violating Section 2 of this ordinance shall be deemed guilty of misdemeanor and upon conviction thereof shall be punished according to Section 3-301, Revised Ordinance of the City of Westwood Hills, Kansas.

SECTION 4. REPEAL.

There is hereby repealed Ordinance No. 23.

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Approved by the Mayor the 14th day of June, 1965.

/s/Michael Seltzer

Mayor

ATTEST:

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Mayor

ATTEST:

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There is hereby repealed Ordinance No. 23.

SECTION 5. TAKE EFFECT.

This ordinance shall take effect and be in force after its official publication.

Passed by the City Council the 14th day of June, 1965.

Approved by the Mayor the 14th day of June, 1965.

/s/Michael Seltzer
Mayor

ATTEST:

Ora M. Amberg,
City Clerk

CITY OF WESTWOOD HILLS

(First Published in Johnson County
Herald, Thursday, June 24, 1965)

ORDINANCE NO. 67

AN ORDINANCE RELATING TO THE SALE, POSSESSION AND USE OF FIRE- WORKS WITHIN THE CITY OF WEST- WOOD HILLS, KANSAS.

Be it ordained by the Governing Body
of the City of Westwood Hills, Kansas.

SECTION 1. DEFINITION.

The term "fireworks," as used in this chapter, shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers, or other fireworks of like construction, and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance. The term "fireworks" shall not include any toy pistols, toy canes, toy guns or other devices in which are used paper caps manufactured in accordance with the United States Interstate Commerce Commission regulations for packing and shipping of toy paper caps, nor any toy pistol paper caps manufactured as provided therein, the sale and use of which shall be permitted at all times. Provided, that nothing in this ordinance shall be deemed or construed to prevent, prohibit or regulate the use of explosives of any nature, or any substance or device used in connection with such explosives, in any building or construction work or activities within the City.

SECTION 2. SALE AND USE PROHIBITED.

Except as hereinafter provided it shall be unlawful for any person to offer for sale, expose for sale, sell at retail, give away, furnish, possess, use or explode any fireworks in the city. Except as hereinafter authorized, all fireworks found within the city shall be confiscated and destroyed.

SECTION 3. PENALTY

Any person violating Section 2 of this ordinance shall be deemed guilty of misdemeanor and upon conviction thereof shall be punished according to Section 3-301, Revised Ordinance of the City of Westwood Hills, Kansas.

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