

(Published in the Haskell County Monitor and Chief this 25th day of May, 2011)

ORDINANCE NO. 380

AN ORDINANCE LIMITING OPEN BURNING & RESTRICTING THE USE OF FIREWORKS WITHIN THE CITY OF SUBLETTE, HASKELL COUNTY, KANSAS, AND ESTABLISHING PENALTIES FOR VIOLATIONS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SUBLETTE, KANSAS:

Section 1. APPROPRIATE PRECAUTIONS. No person shall leave any fire unattended until appropriate precautions have been taken to prevent the fire from spreading. No person shall set a fire without first taking precautions to insure that the fire will be safely contained within the perimeters of the area sought to be burned and will present no danger to the health or property of adjoining landowners. Said person shall follow all City of Sublette guidelines and rules as set by state law and regulations.

Section 2. NO BURN ORDERS. The Sublette City Council reserves the right, at any time that the weather dictates, to ban open burning by ordinance; the Sublette City Council approves and support by this ordinance, the practice of the Sublette Fire Chief, or his or her designate, declaring a No Burn Order for a particular day when it is determined through the use of one or more of the following conditions, (The NWS Rangeland Fire Danger Index, Weather conditions for the day, Ground moisture condition, Vegetation condition or Wind conditions), that burning should be prohibited. This decision will be made by the Sublette Fire Chief, or his or her designee, no later than 9:00 a.m. on any day conditions warrant a No Burn Order. The Fire Chief or his designate will notify the Haskell County Sheriff's Office and Haskell County Emergency Management of the No Burn Order. It should also be noted that currently Haskell County has in effect the requirement that all burns in the county must be called into the Haskell County Sheriff prior to the start of any controlled burn.

Section 3. PENALTIES.

(a) Any person who abandons a fire that has not been extinguished, who fails to take proper precautions to control a fire, who burns on a day when burning is banned by the Sublette City Council or determination of the Sublette Fire Chief, or designee, or who otherwise violates the provisions of this ordinance by issuance of a citation by the Fire Marshall or by an authorized law enforcement officer, or by the filing of a citation by the City prosecutor. A fine of not to exceed two hundred dollars (\$200.00) per violation may be assessed against a violator of this resolution upon conviction.

(b) Any person convicted of violating this ordinance may also be assessed all costs incurred by any fire department, including any fire department called to assist the Sublette Fire Department, in the fighting of fires within the City of Sublette, Kansas, resulting from actions contrary to the mandates of this ordinance and upon which the violation has been convicted.

Section 4. FIREWORKS PROHIBITED.

a. It shall be unlawful for any person, firm or corporation to keep, store, display for sale, fire, discharge or explode any fireworks as defined by the rules and regulations of the Kansas State Fire Marshall, within the City except as is provided in Sections 5 and 6 below.

1. The term "Fireworks" shall include without limitation through enumeration, firecrackers, torpedoes, sparklers, Roman candles, skyrockets, pin wheels, cap or toy pistols (except not more than .25 grams 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.
2. Regardless of any provisions in this ordinance to the contrary it shall be unlawful for any person, persons, firm or corporation to sell, deliver, give away or discharge or cause to be discharged, bottle rockets or any fireworks which are prohibited for use or sale in the State of Kansas by applicable Federal or State law or regulation.

SECTION 5. EXCEPTION RELATING TO DISCHARGE.

(a) It shall be unlawful for any person or persons to fire or discharge any fireworks in the City EXCEPT on private property, with the consent of the property owner, between the hours of 8:00 A.M. and 10:00 P.M. from June 27 to July 3 and July 5, and between the hours of 8:00 A.M. and midnight on July 4, each year, each year.

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 and shall not be a fire hazard or endanger persons or surrounding property.

1. It shall be unlawful for any person, firm or corporation to give any public display of fireworks without having first obtained permission therefore from the City of Sublette.
2. It shall be unlawful for any person, firm or corporation to explode or fire any fireworks in or about any motor vehicle or near any animal.
3. It shall be unlawful for any person, firm or corporation to explode or fire any fireworks within five hundred (500) feet of any business dealing in the retail sale of gasoline or petroleum products.

SECTION 6. EMERGENCY BAN RELATING TO DISCHARGE. Notwithstanding any of the provisions contained in this Ordinance there shall be no firing or discharge of any fireworks in the City at any time the Governing Body, in cooperation with the fire department shall, by resolution, determine that weather conditions or local circumstances make such firing and discharge of fireworks hazardous.

SECTION 7. PENALTY. Any person, firm or corporation violating any provision of this ordinance, shall, upon conviction thereof, be punished by a fine of not to exceed \$500.00.

Section 8. CONFLICTING ORDINANCES. That all ordinance and parts of ordinances in conflict herewith are hereby amended and repealed. That in the event part or portion of this ordinance is found to be invalid, the invalidity of such shall not effect the other provisions or applications of the ordinance which can be given without the invalid part or portions.

Section 9. PUBLICATION. This ordinance shall become effective upon publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Sublette, Kansas, this 16th day of May, 2011.

Jery Bailey
Jery Bailey
Mayor

ATTEST:

Jeanne Trigg
Jeanne Trigg
City Clerk