

ORDINANCE NO. 2602**AN ORDINANCE RELATING TO THE SALE OF FIREWORKS WITHIN THE CITY OF DERBY, KANSAS; AMENDING AND REPEALING SECTIONS 5.36.020 OF THE DERBY MUNICIPAL CODE AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR.****BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DERBY, KANSAS:**

SECTION 1. Section 5.36.020 of the Derby Municipal Code is hereby amended to read as follows:

5.36.020 Sale and use of fireworks—Time and date limitations.

A. No fireworks shall be sold, discharged, ignited or otherwise used within the City of Derby except as provided in this section. Days and times authorized for sale, discharge, ignition and use of fireworks shall be as follows:

Days	Times
June 27-July 2 (inclusive)	8 a.m. – 10 p.m.-sales and discharge
July 3 and 4	8 a.m. – 12 a.m.(midnight)-discharge 8 a.m. – 11 p.m.-sales
July 5	8 a.m. – 10 p.m.-sales and discharge

B. The year-round sale of consumer fireworks or the sale of consumer fireworks outside of the period established in Section 5.36.020.A above by any individual or business, including but not limited to Permanent Retailers, Seasonal Retailers or other fireworks licensee(s), is prohibited within the corporate city limits of the City of Derby.

C. No permit shall be issued for a Permanent Retailer within the corporate limits of the City of Derby.

D. No permanent structure within the corporate limits of the City of Derby shall be utilized for the sale or distribution of fireworks outside of the time period established in Section 5.36.020.A above.

E. For purposes of this Section 5.36.020, the following definitions shall apply:

1. “Permanent retailer” means any person who is licensed by the Kansas State Fire Marshal to engage in the year-round retail sale of consumer fireworks, including the receipt and possession with intent to sell of consumer fireworks and the retail sale, delivery, consignment, gifting or other distribution at retail of consumer fireworks to any

person from a permanent structure at a permanent location within this state.”

2. “Seasonal retailer” means a person who receives consumer fireworks and sells, delivers, consigns, gives or otherwise furnishes consumer fireworks only to the public for their personal use and only during the period set forth in Section 5.36.020.A above.

SECTION 2. Original section 5.36.020 of the Derby Municipal Code is hereby repealed. All other provisions of the Municipal Code of the City of Derby, Kansas shall remain in full force and effect except as specifically amended herein. All other ordinances or parts of other ordinances in conflict herewith are repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

SECTION 3. Severability. Should any section, clause, sentence, or phrase of this ordinance be found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any remaining provisions herein.

SECTION 4. Effective Date. This Ordinance shall take effect and be in force from and after its passage and publication of the ordinance or a summary thereof once in the City’s official newspaper as provided by State law.

PASSED by the City Council this 8th day of July, 2025, and **SIGNED** by the Mayor.

Seal:

/s/Mark A. Staats
Mayor

Attest:

/s/Lynn Ciarleglio
City Clerk

Approved as to form:

/s/Jacqueline R. Butler
City Attorney