

# Fireworks Vendors

## Derby Fire Code Requirements

To assist you with a successful fireworks season, Derby Fire/Rescue Department has established administrative guidelines based upon Derby Municipal Code (DMC), Derby Fire Code (IFC), National Fire Protection Administration (NFPA) and the State Fire Marshal's Administrative Guidelines. These guidelines are not all inclusive, but will serve as a general guide. If you have questions or concerns, contact the Derby Fire/Rescue Department at 316-788-5819 or 316-788-3773.

1. Tents must be completely set up with ALL signage, exits clearly marked, exit signs visible from all areas of the tent, exits in place, fire extinguishers in place, and tables in place, before the tent is allowed to be stocked with merchandise. An inspection by the Fire Department will take place on or before June 27 before tents are allowed to open for sales.
2. Tents, including support ropes and guy wires are not to be placed closer than 20 feet to property lines. (IFC 2403.8.2)
3. NO SMOKING signage must be posted on all four sides inside the tent. NO SMOKING WITHIN 25 FEET signage should be posted outside at all entrances.
4. At least two fire extinguishers with a minimum rating of 2A must be clearly visible. (IFC 906.5)
5. Tents over 300 square feet must have at least two exits. The exits are required to be at least 36 inches wide and must remain open during operating hours regardless of weather conditions. Exit signage must be placed above each exit and clearly visible. (IFC 2403.12.2)
6. At least one watch person over the age of 18 is required to be present when fireworks are being stored in the tent.
7. Trash must not be allowed to accumulate inside the tent. Trash cans inside the tent must be made of non-combustible material. Dumpsters outside the tent must be at least 20 feet away from the tent support ropes or guy wires. (IFC 2404.22)
8. Areas around the tent within 20 feet shall be maintained clear of vegetation or combustible material. Grass should be mowed short in this area. (IFC 2403.8.2 & 2404.21)
9. No parking within 20 feet of the tent, support ropes or guy wires. The parking area, support ropes or guy wires shall be clearly represented by the use of cones, fencing or any material that is durable and clearly recognizable for its purpose. (NFPA)
10. If fireworks become wet due to severe weather, the vendors/wholesalers must have the wet fireworks removed from the site by D.O.T. approved methods no later than 24 hours from the time of damage.
11. Containers utilized for storage of unopened product shall be at least 50 feet from the tent (NFPA) and any commercial structure and 100 feet from residential housing (DMC). Storage should be locked and secured with NO SMOKING WITHIN 25 FEET signage. (IFC 3304)

Any illegal fireworks found onsite at vendor locations shall be confiscated. If illegal fireworks are found in the possession of a vendor or its employees, the permit may be pulled (DMC)

Chief Brad Smith

Derby Fire/Rescue Department

Revised June 24, 2009

CITY OF DERBY  
FIREWORKS PERMIT AND APPLICATION  
611 MULBERRY ~ DERBY, KANSAS 67037  
(316) 788-1519

**Permit fee of \$7,500 per fireworks stand to accompany application.  
(Deadline for submittal is June 15)**

Date: \_\_\_\_\_

Applicant: \_\_\_\_\_ Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_ Phone # \_\_\_\_\_

Group or Organization Represented \_\_\_\_\_

Contact Person: \_\_\_\_\_ Address: \_\_\_\_\_

Contact Phone # \_\_\_\_\_ Alternate Phone # \_\_\_\_\_

Liability Insurance Carrier: \_\_\_\_\_ Policy # \_\_\_\_\_

Location of Stand: \_\_\_\_\_

Attach aerial map showing location of stand, storage trailer(s) and parking with distances  
from business and residential properties. Include property lot lines on map.

Sq. Ft. of Floor Space: \_\_\_\_\_ # of Employees: \_\_\_\_\_

Sales Tax #: \_\_\_\_\_

**Names of Individuals to Contact in Case of Emergency**

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Phone #: \_\_\_\_\_ Phone #: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_

By signing this application, I am declaring that I have reviewed and accept the requirements of the Derby Fire Code.

I certify that the sale of fireworks on the above described property conforms to the City's Zoning Ordinance and Fire Codes:

\_\_\_\_\_  Approved  Disapproved Date: \_\_\_\_\_  
Zoning Administrator

\_\_\_\_\_  Approved  Disapproved Date: \_\_\_\_\_  
Fire Department Administrator

**The fireworks ordinance was changed in March 2008. If you are not familiar with the changes please request a copy of the updated ordinance. The ordinance can also be viewed online at [www.derbyweb.com](http://www.derbyweb.com).**

## TEMPORARY USE

### PROMOTIONAL USES:

**DEFINITION:** WITHIN THE B-3, B-4 AND B-5 ZONING DISTRICTS, PROMOTIONAL ACTIVITIES OF RETAIL MERCHANTS INVOLVING THE DISPLAY OF MERCHANDISE OUTSIDE OF ENCLOSED BUILDINGS, MAY EXCEED THE PERCENTAGE OF OUTDOOR DISPLAY AND SALES PERMITTED BY DISTRICT REGULATIONS, PROVIDED THAT:

- NO SUCH PROMOTIONAL SALE SHALL BE HELD FOR A PERIOD LONGER THAN 14 DAYS AND NO MORE THAN ONE SUCH SALE SHALL BE HELD, PER ZONING LOT, PER CONSECUTIVE THREE MONTH PERIOD
- OUTDOOR MERCHANDISE DISPLAY NEED NOT COMPLY WITH THE BULK REQUIREMENTS OF THE DISTRICTS, EXCEPT HOWEVER, ANY TEMPORARY STRUCTURES, AXLE-MOUNTED ENCLOSURES OR VEHICLES WITH A WEIGHT CLASSIFICATION OF 1 TON OR GREATER, PLACED FOR USE IN CONJUNCTION WITH THE PROMOTIONAL SALE, SHALL NOT ENCROACH UPON REQUIRED YARDS OR PLATTED SETBACKS.
- OUTDOOR DISPLAY OF MERCHANDISE SHALL NOT INTERFERE WITH THE VIEW OF OPERATORS OF MOTOR VEHICLES ON THE PUBLIC STREET AND SHALL NOT BE LOCATED WITHIN 30 FEET OF THE INTERSECTION OF THE CURB LINE OF ANY TWO STREETS OR AT ANY LOCATION NEAR A DRIVEWAY THAT MAY INTERFERE WITH THE VIEW OF EITHER MOTORISTS OR PEDESTRIANS.
- DISPLAY OF MERCHANDISE OR PLACEMENT OF ASSOCIATED TEMPORARY STRUCTURES OR AXLE-MOUNTED ENCLOSURES SHALL NOT OCCUPY OR INTERFERE WITH REQUIRED PARKING SPACES OR CIRCULATION AISLES PROVIDING ACCESS THERETO.
- THE TEMPORARY USE MAY INCLUDE THE USE OF TEMPORARY SIGNAGE. THIS IS PROVIDED THAT SUCH SIGNAGE IS LIMITED TO NOT MORE THAN TWO SIGNS WITH A COMBINED SQUARE FOOTAGE OF 32 SQUARE FEET OR LESS. SUCH SIGNAGE MAY BE PLACED ON VEHICLES OR TRAILERS ASSOCIATED WITH THE TEMPORARY USE AND THE SQUARE FOOTAGE CALCULATION SHALL NOT INCLUDE SIGNAGE THAT MAY BE PERMANENTLY PAINTED OR PERMANENTLY AFFIXED TO SUCH VEHICLES OR TRAILERS.

### TEMPORARY SALES:

**DEFINITION:** THE SALE OF MERCHANDISE, GOODS, OR MATERIALS WHERE THE SALE OF SUCH IS AT ANY LOCATION THAT IS NOT OWNED OR CONTROLLED BY THE PERSON, GROUP, FIRM, CORPORATION, OR BUSINESS CONDUCTING THE SALES.

WITHIN THE B-3, B-4, B-5 AND M-1 DISTRICTS, TEMPORARY SALES FOR NOT MORE THAN 14 DAYS DURING ANY ONE SALE AND NO MORE THAN ONE SALE, PER ZONING LOT, PER CONSECUTIVE THREE MONTH PERIOD, PROVIDED THAT:

- THE TEMPORARY SALES USE NEED NOT COMPLY WITH THE BULK REQUIREMENTS OF ZONING DISTRICTS OR PLATTED SETBACKS, EXCEPT THAT ANY VEHICLE WITH A WEIGHT CLASSIFICATION OF 1 TON

OR GREATER OR ANY AXLE-MOUNTED ENCLOSURE OR TEMPORARY STRUCTURE USED IN CONJUNCTION WITH THE TEMPORARY SALES, SHALL NOT BE LOCATED UPON REQUIRED YARDS OR WITHIN PLATTED SETBACKS.

- THE TEMPORARY SALES USE SHALL NOT INTERFERE WITH THE VIEW OF OPERATORS OF MOTOR VEHICLES ON THE PUBLIC STREETS AND SHALL NOT BE LOCATED WITHIN 30 FEET OF THE INTERSECTION OF THE CURB LINE OF ANY TWO STREETS OR AT ANY LOCATION NEAR A DRIVEWAY THAT MAY INTERFERE WITH THE VIEW OF EITHER MOTORISTS OR PEDESTRIANS
- THE TEMPORARY SALES USE SHALL NOT OCCUPY OR INTERFERE WITH THE REQUIRED PARKING SPACES OR CIRCULATION AISLES PROVIDING ACCESS THERETO
- THE AREA OCCUPIED BY THE TEMPORARY SALES USE SHALL NOT BE COUNTED AS PART OF THE PERCENTAGE OF OUTDOOR DISPLAY AND SALES PERMITTED BY SPECIFIC DISTRICT REGULATIONS.
- THE TEMPORARY USE MAY INCLUDE THE USE OF TEMPORARY SIGNAGE. THIS IS PROVIDED THAT SUCH SIGNAGE IS LIMITED TO NOT MORE THAN TWO SIGNS WITH A COMBINED SQUARE FOOTAGE OF 32 SQUARE FEET OR LESS. SUCH SIGNAGE MAY BE PLACED ON VEHICLES OR TRAILERS ASSOCIATED WITH THE TEMPORARY USE AND THE SQUARE FOOTAGE CALCULATION SHALL NOT INCLUDE SIGNAGE THAT MAY BE PERMANENTLY PAINTED OR PERMANENTLY AFFIXED TO SUCH VEHICLES OR TRAILERS.

THIS SUPPLEMENT IS TO ASSIST IN THE COMPLETION OF THE TEMPORARY USE APPLICATION, AND TO ASSIST IN THE INTERPRETATION OF THE ZONING ORDINANCE PERTAINING TO TEMPORARY USES, SECTION 601.

# TEMPORARY USE PERMIT APPLICATION

CITY OF DERBY

DATE: \_\_\_\_\_

PERMIT FEE\$ 20.00

PERMIT #: \_\_\_\_\_

***A DRAWING MUST BE ATTACHED PRIOR TO ACCEPTANCE OF APPLICATION!***

TYPE OF TEMPORARY USE:

- CHRISTMAS TREE/FIREWORK/PUMPKIN OR SIMILAR (30 DAYS)
- PROMOTIONAL ACTIVITY OR RETAIL MERCHANTS (14 DAYS)
- RECYCLING CENTER (10 DAYS)
- TEMPORARY SALES (14 DAYS)
- DISPLAY OF LIVING PLANT (March 1-June 30 & August 15-November 15)

ADDRESS OF TEMPORARY USE: \_\_\_\_\_

NAME OF PERMANENT BUSINESS(if applicable)\_\_\_\_\_

NAME OF TEMPORARY BUSINESS / USE \_\_\_\_\_

LOT \_\_\_ BLOCK \_\_\_ ADDITION \_\_\_\_\_ ZONING DISTRICT \_\_\_\_\_

NAME OF CURRENT PROPERTY REP: \_\_\_\_\_ PHONE # \_\_\_\_\_

***THE FOLLOWING INFORMATION SHALL BE PROVIDED:***

- A DRAWING WHICH DEPICTS THE PERIMETER OF THE ZONING LOT (PLOT PLAN) AND WHICH LOCATES WHERE ON THE ZONING LOT THE TEMPORARY USE IS PROPOSED TO BE PLACED.
- IF VEHICULAR PARKING SPACES ARE PROPOSED TO BE USED AS THE AREA FOR THE TEMPORARY USE, A STATEMENT REGARDING THE NUMBER OF SPACES THAT WILL REMAIN AVAILABLE TO MEET THE MINIMUM NUMBER OF OFF STREET PARKING SPACES REQUIRED BY SECTION 501 OF THIS ORDINANCE, SHALL BE SUBMITTED.
- PROPOSED SQ. FOOT OF TEMPORARY USE AREA \_\_\_\_\_

APPLICANTS NAME \_\_\_\_\_

ADDRESS OF APPLICANT \_\_\_\_\_  
Street City Zip

PHONE NUMBER \_\_\_\_\_ FAX NUMBER \_\_\_\_\_

SIGNATURES: \_\_\_\_\_  
PROPERTY REP HAVING AUTHORITY TO GRANT TEMP. USE TEMPORARY USE APPLICANT

**(OFFICIAL USE ONLY:)**  
REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
APPROVED  DENIED