



EL DORADO CITY COMMISSION - WORK SESSION AGENDA
CITY HALL – 220 E. FIRST AVENUE
May 14, 2025 - 5:00 PM

Work Session Discussion Items:

- a. Preliminary Budget Discussion
- b. Changes to Fireworks Ordinance Arising from Senate Bill 199
- c. Park and Recreation Facility Naming Policy

Regular Agenda Preview:

- a. Items to be Placed on the Consent Agenda
 - i. Meeting Minutes
- b. Items to be Placed on the Regular Agenda
- c. Items to be Placed on the Land Bank Consent Agenda
- d. Executive Session

Reports:

- a. City Commission Reports
- b. City Manager Report

EL DORADO

KANSAS

TO: City Commission
FROM: David Dillner, City Manager
SUBJ: Preliminary Budget Discussion
DATE: May 14, 2025

Summary:

Municipal budgets are like the operating plans for a city because they determine where money goes and reflect the city's priorities. But behind every budget are **complex policy issues** that municipalities constantly have to navigate. It is important for the City Commission to understand these complex issues and the tensions that must be balanced in order to provide quality public services that meet public expectations. The following provides a summary of the complex policy issues that governing bodies and staff must discern in preparing an annual operating budget and capital improvement program.

Infrastructure Maintenance vs. New Projects: Cities must maintain aging infrastructure (roads, water and sewer systems) while also building new facilities to support growth. Maintaining infrastructure is exciting politically, but ignoring it leads to costly breakdowns and potential service disruptions. Meanwhile, residents often demand new services. The City Commission must determine how to prioritize spending to maintain existing services and infrastructure while providing funds to support growth and new opportunities.

Revenue Generation vs. Taxpayer Burden: The City of El Dorado relies heavily on property taxes, sales tax proceeds, and user fees to generate revenue to fund public services and the replacement of public infrastructure. Raising taxes or fees can be unpopular. The City, however, will not be able to fund critical services at current levels without these revenue sources. The City Commission must balance the need for increasing revenues to support public services with the taxpayer's ability to pay, especially in a community with high levels of financially stressed households. Economic conditions may also be deteriorating, which will have an impact on households and businesses.

Equity and Fairness in Spending: The City must ensure that all neighborhoods, and especially those that have been historically underserved, receive equitable access to public services. Wealthier areas often have more political influence, which can lead to unequal resource allocation. The City Commission must consider budget allocation decisions in a way that balances the needs of all areas of El Dorado. Higher investment may be warranted in neighborhoods that have been historically underserved or where infrastructure has deteriorated at a higher rate than other areas of town.

Balancing Public Safety with Other Services: Police and fire departments take up a significant share of the City's budget. In fact, 38% of the General Fund's budget is allocated to these departments. An ever-increasing percentage of the City's budget could be allocated to these departments to make sure they are properly outfitted and response-ready. Newer equipment and technologies add capacity, but often at a significant cost. No amount of resources will end crime or prevent fires and medical situations. Even so, it is imperative that these departments have adequate resources to keep members and the public safe. The City Commission will need to weigh the needs of these departments amid other needs throughout the municipal government.

Recruitment/Retention Initiatives vs. Taxpayer Burden: Employees are essential for the provision of public services. Many services cannot be provided through automation or technology

enhancements. Even if this were the case, an argument can be made for a human service provider where residents expect responsiveness and engagement. The cost of recruiting and retaining employees increases annually as the City competes for new talent and seeks to retain existing talent. Human labor places a significant cost on public services, so the City Commission must determine how competitive to position the municipal government while considering the impact to taxpayers.

Climate Resilience: Cities are under pressure to invest in infrastructure that addresses situations caused by changes in historic weather patterns. For example, the City anticipates a significant stormwater project in downtown El Dorado to protect against flooding. These initiatives often come with high upfront costs and long-term payoffs, which can be hard to prioritize in tight budget cycles.

Economic Development vs. Public Services: Incentives (like tax breaks) used to attract businesses may limit revenue for services over a decade or more. There's often debate about whether such incentives actually benefit the broader community. The City Commission must also weight whether investments in external economic development agencies is warranted at current levels or if changes are needed to facilitate desired outcomes.

Transparency and Public Engagement: Residents often don't understand how budget decisions are made. The budget process can lead to public mistrust or backlash if it lacks transparency or public input. This is especially true if service reductions affect the services people rely on. The City Commission must seek public input to help inform its decision-making process and to prevent decisions that affect the community from happening in a vacuum.

Attachments:

1. 2024 Commission Strategic Priorities
2. City Commission Priorities for City Manager
3. Department Challenges

Funding Source:

Not Applicable

Operation Impact:

Crafting the annual operating and capital budget is one of the governing body's most consequential roles. It's where vision meets resource allocation. The following questions are designed to align administrative planning with the City Commission's priorities, prompt strategic reflection, clarify community priorities, and inform staff direction to help develop the preliminary budget. The questions are intended to balance big-picture thinking with fiscal responsibility and encourage consideration of both near-term needs and long-term investments.

1. What are the top three priorities you believe the City should focus on in the upcoming fiscal year?
2. Are there any current programs or services you believe should be expanded, reduced, or discontinued? Why?
3. What new investments or initiatives would you like to see considered, even if only at a conceptual or exploratory level?
4. What outcomes or results do you expect to see from this year's budget decisions?
5. How should we approach the balance between maintaining existing infrastructure and building new assets?
6. Do you support an adjustment to employee compensation? If so, how should we prioritize it among other needs?

7. Are there areas where you feel the City could be more efficient or leverage partnerships to reduce the burden on taxpayers?
8. What is your comfort level with the current property tax rate and utility fees? Should we aim to hold steady, increase, or reduce these rates?
9. Are there particular neighborhoods, districts, or populations you believe need more focused attention or support in this year's budget?
10. What long-term challenges (e.g., water supply, workforce readiness, economic diversification) do you think we should begin addressing now through our budget planning?

Options/Alternatives:

Not applicable at this time. The discussion in the coming weeks will help the City Manager and staff prepare a proposed budget for consideration by the City Commission.

Staff Recommendation:

Not Applicable

Commission Action:

No action needed at this time; this item is for discussion purposes only.

EL DORADO

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Vision Statement

The City of El Dorado strives to create a desirable place to call home.

Mission Statement

Enhancing Quality of Life by Embracing Service Excellence

COMMISSION STRATEGIC PRIORITIES

Housing

- Identify available land for residential growth and determine infrastructure needs to support growth in these areas.
- Update codes and policies to facilitate additional residential development.
- Collaborate with developers and builders to increase middle-income housing opportunities.
- Diversify the housing stock to match local demographics and employee needs.
- Increase reinvestment in older housing stock, including vacant units.

Quality of Life

- Continue to invest in the existing park system.
- Expand the Bike and Pedestrian Trail.
- Develop stronger partnerships with organizations that coordinate recreation opportunities and community activities.
- Develop a plan for the Legion Park and R.I.O. Park.
- Invest in a new park space to serve west El Dorado.
- Create, maintain, and promote community events.

Economic Prosperity

- Market El Dorado's water capacity to industrial prospects requiring high volumes of water.
- Promote the available lots in the Business Park for commercial opportunities.
- Encourage development of West and North Industrial Parks.
- Work with downtown stakeholders to facilitate an environment conducive to business in the downtown district.
- Identify opportunities to assist with redevelopment opportunities along or adjacent to primary commercial corridors (Central Avenue, Main Street, 6th Street, etc.).

Safety and Connectedness

- Identify opportunities to strengthen the community and leverage community assets and resources.
- Outfit the Police and Fire Departments with the tools and training necessary to provide adequate services to protect life and preserve property.
- Implement municipal department programming to improve community outreach.

- Create a community information and engagement plan to promote consistent dialogue with residents.

Community Beautification

- Continue to invest in beautification efforts and enhanced/shared signage along major corridors and in the downtown.
- Improve the visual appeal of the downtown through art murals and a banner program.
- Initiate strategies to reduce blight along primary corridors and in residential neighborhoods.

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City Commission Priorities for City Manager March 10, 2025

Short-Term Projects and Policies:

1. Strategic Priorities and Organizational Performance Monitoring
2. **Proposed General Sales Tax**
3. Comprehensive Plan Update
4. Housing Policy Recommendations
5. **Cedar Ridge Estates RHID & Development Agreement**
6. **Discover Downtown Initiative**
7. Local Ordinance Enforcement Guidelines (code enforcement, animal control, etc.)
8. Aquatics Center Conceptual Analysis and Feasibility Study
9. Excess Sales Tax Recommendations
10. **Butler Rural Electric Lease Agreement**
11. **Gordy Park Pavilion Project**
12. **Hangar Development Project**
13. Compensation Study Options
14. Partnering Agency Discussion
15. Business Park Maintenance Plan
16. Neighborhood Revitalization Program Update
17. **Land Bank Policy**

Long-Term Projects and Policies:

1. Growth Planning and Policies
2. Downtown Revitalization
3. Police and Fire Department Staffing
4. Bike and Pedestrian Path Extension
5. **Local Water Plan**
6. **Legion/R.I.O. Park Plan**

Bold = Just added to the list

* = Moved up from Watch List to Priority List

Watch List:

- Civic Center Improvements and Fees
- STAR Bond Project
- Water Treatment Plant Expansion
- **Butler County Wholesale Water District**
- Main 8 BMX Trails
- **Myers North Development**
- **Museum Funding Request**

EL DORADO

K A N S A S

TO: City Commission
FROM: David Dillner, City Manager
SUBJ: Department Challenges
DATE: April 23, 2025

Public Works:

- Infrastructure maintenance
- Building maintenance
- Staffing (inexperience, limited applicant pool)

Police:

- Staffing (recruiting and retention)
- Officer workload and potential for burnout
- Funding

Human Resources:

- Implementation of compensation study
- Succession planning
- Limited applicant pools for vacant positions

Engineering:

- Regulatory compliance
- Building environment
- Need for more resources (not enough working hours in day)

Administration:

- Budget and capital project planning
- Time management

Parks and Recreation:

- Declining youth registrations

Utilities:

- Infrastructure
- Preventative maintenance
- Growth management/planning

Fire:

- Staffing
- Inexperience
- Fire Marshall's Office

City Manager

- Planning
- Policy development
- Organizational capacity

EL DORADO

KANSAS

TO: City Commission
FROM: Joe Haag
SUBJ: Changes to Fireworks Ordinance Arising from Senate Bill 199
DATE: May 14, 2025

Summary:

On April 10, 2025, Governor Laura Kelly signed SB 199 into law. The legislation introduces key modifications to statewide fireworks regulations.

- **Seasonal Sale Expansion:** Authorizes seasonal fireworks retailers to sell from **June 20 to July 7** (previously June 27 to July 5).
- **Year-Round Sales:** The law permits permanent structures (e.g., brick-and-mortar businesses) to sell consumer-grade fireworks **year-round**, provided they are licensed by the Kansas State Fire Marshal.
- **Online Sales Prohibited:** All sales must be conducted at physical locations; internet sales are prohibited.
- **Local Control Maintained:** SB 199 does **not** change KSA 31-134, which continues to grant cities authority to regulate or prohibit fireworks locally.

Currently, under **City Ordinance 9.12.070**, El Dorado permits:

- **Sales:** June 27–July 4
- **Discharge:** June 27–July 5
- **Restrictions:** Includes distance and smoking prohibitions around fireworks stands

Attachments:

1. SB 199 Firework Sales
2. 9.12.070 Fireworks

Funding Source:

Options for Consideration

Option 1: Maintain Current Ordinance

- Continue enforcing existing sales and discharge dates
- Clearly communicate the difference between state law and city ordinance
- Upscale enforcement during the permitted period

Option 2: Amend Ordinance to Align with State Law

- Expand permitted sales to June 20–July 7
- Consider year-round sales for permanent retailers

- Requires public hearings and an ordinance revision process

Option 3: Strengthen Local Restrictions

- Shorten sale/discharge windows
- Limit types of fireworks or restrict use in high-risk areas

Increase penalties for violations

Operation Impact:

Options/Alternatives:

Fiscal Impact based upon the provided options includes

- **Option 1:** No additional administrative costs; enforcement status quo
- **Option 2:** Potential increase in licensing revenue; higher enforcement demands
- **Option 3:** May require increased staffing or overtime for enforcement; potential public resistance from vendors

Staff Recommendation:

Option 1: Maintain the current ordinance while monitoring the effects of SB 199 across the state. This approach prioritizes public safety and minimizes disruption while allowing for further analysis and community input. A public engagement effort may be scheduled in the future to re-evaluate the ordinance if necessary.

Commission Action:

No action needed at this time; this item is for discussion purposes only.

SENATE BILL No. 199

By Committee on Commerce

2-5

AN ACT concerning fireworks, defining the fireworks sales season for seasonal retailers of consumer fireworks and providing for year-round sales by permanent retailers of consumer fireworks; requiring registration with the state fire marshal by such seasonal and permanent retailers; prohibiting internet sales of consumer fireworks; creating the license categories of distributor of display fireworks, distributor of articles pyrotechnic and unlimited distributor; limiting lawful sale of fireworks labeled "For Professional Use Only" to certain license categories; amending K.S.A. 31-502 and 31-503 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 31-502 is hereby amended to read as follows: 31-502. As used in this act, unless the context otherwise requires:

(a) ~~"Licensed display fireworks operator" means a person licensed to operate an outdoor display of display fireworks.~~

(b) ~~"Licensed proximate pyrotechnic operator" means a person licensed to operate indoor or outdoor articles of pyrotechnic.~~

(c) ~~"Manufacturer" means any person engaged in the manufacture of fireworks of any kind in the state of Kansas. Manufacturer shall also include any person engaged in the assembly of consumer fireworks or component parts into a finished item or assortment, but shall not include repackaging finished goods into an assortment.~~

(d) ~~"Distributor" means any person engaged in the distribution of fireworks of any kind in the state of Kansas to include the following:~~

(1) ~~Sells, delivers, transports, consigns, gives, imports, exports or otherwise furnishes consumer fireworks to any person for the purpose of resale to a retailer or any other distributor or reseller within the state of Kansas;~~

(2) ~~sells, intends to sell, offer for sale, possess with intent to sell or consigns display fireworks or articles pyrotechnic to any person, distributor, municipality or any other organization within the state of Kansas; or~~

(3) ~~produces, conducts or provides a licensed operator or imports any display fireworks or articles pyrotechnic of any kind within the state of Kansas for profit.~~

1 ~~(e) "Distributor" shall not include:~~

2 ~~(1) Anyone who transports fireworks from one state to another state~~
3 ~~through the state of Kansas and such fireworks ultimate destination is not~~
4 ~~within the state of Kansas;~~

5 ~~(2) anyone who sells consumer fireworks during a fireworks season~~
6 ~~as a seasonal retailer;~~

7 ~~(3) freight delivery companies or common carriers as defined in U.S.~~
8 ~~department of transportation 49 C.F.R. § 171.8; or~~

9 ~~(4) an out-of-state person who sells, transports, delivers or gives~~
10 ~~fireworks to a licensed manufacturer or distributor.~~

11 ~~(f) "Hobbyist manufacturer" means any person who manufactures~~
12 ~~consumer fireworks, display fireworks or articles pyrotechnic for their~~
13 ~~personal use.~~

14 ~~(g) "Person" means any individual, partnership, firm, company,~~
15 ~~association, corporation, not-for-profit organization, municipality or~~
16 ~~limited liability corporation.~~

17 ~~(h) "Seasonal retailer" means a person who receives consumer~~
18 ~~fireworks and sells, delivers, consigns, gives or otherwise furnishes~~
19 ~~consumer fireworks only to the public for their personal use and only~~
20 ~~during a fireworks season.~~

21 ~~(i) "Storage" means the safekeeping of fireworks in a warehouse or~~
22 ~~magazine or comparable appropriate depository. Consumer fireworks that~~
23 ~~are located at the destination of their retail sale and that are being held in~~
24 ~~anticipation of retail sale shall not be considered as in storage.~~

25 ~~(j) "Fireworks season" means a period in time as set forth in the~~
26 ~~regulations authorized to be adopted by the state fire marshal during a~~
27 ~~calendar year in which seasonal retailers are permitted to sell consumer~~
28 ~~fireworks to the public.~~

29 ~~(k) "Fireworks display" means a private or public production of~~
30 ~~display fireworks or articles pyrotechnic, or both, which are intended for~~
31 ~~use and designed to produce visible or audible effects for entertainment~~
32 ~~purposes by combustion, deflagration or detonation.~~

33 ~~(a) (1) "Distributor of display fireworks" means any person engaged~~
34 ~~in the distribution of display fireworks in the state of Kansas, including:~~

35 ~~(A) Selling, intending to sell, offering for sale, possessing with intent~~
36 ~~to sell or consigning display fireworks to any person, distributor,~~
37 ~~municipality or any other organization within the state of Kansas; or~~

38 ~~(B) producing, conducting or providing to a licensed operator or~~
39 ~~importing any display fireworks of any kind within the state of Kansas for~~
40 ~~profit.~~

41 ~~(2) "Distributor of display fireworks" does not include the exclusions~~
42 ~~set forth in the definition of "unlimited distributor."~~

43 ~~(b) (1) "Distributor of articles pyrotechnic" means any person~~

1 engaged in the distribution of articles pyrotechnic in the state of Kansas,
2 including:

3 (A) Selling, intending to sell, offering for sale, possessing with intent
4 to sell or consigning articles pyrotechnic to any person, distributor,
5 municipality or any other organization within the state of Kansas; or

6 (B) producing, conducting or providing to a licensed operator or
7 importing any articles pyrotechnic of any kind within the state of Kansas
8 for profit.

9 (2) "Distributor of display fireworks" does not include the exclusions
10 set forth in the definition of "unlimited distributor."

11 (c) "Fireworks display" means a private or public production of
12 display fireworks or articles pyrotechnic, or both, that are intended for use
13 and designed to produce visible or audible effects for entertainment
14 purposes by combustion, deflagration or detonation.

15 (d) "Hobbyist manufacturer" means any person who manufactures
16 consumer fireworks, display fireworks or articles pyrotechnic for their
17 personal use.

18 (e) "Licensed display fireworks operator" means a person licensed to
19 operate an outdoor display of display fireworks.

20 (f) "Licensed proximate pyrotechnic operator" means a person
21 licensed to operate indoor or outdoor articles pyrotechnic.

22 (g) "Manufacturer" means any person engaged in the manufacture of
23 fireworks of any kind in the state of Kansas. "Manufacturer" includes any
24 person engaged in the assembly of consumer fireworks or component
25 parts into a finished item or assortment but does not include repackaging
26 finished goods into an assortment.

27 (h) "Permanent retailer" means any person engaged in the year-
28 round retail sale of consumer fireworks, including the receipt and
29 possession with intent to sell of consumer fireworks and the retail sale,
30 delivery, consignment, gifting or other distribution at retail of consumer
31 fireworks to any person from a permanent structure at a permanent
32 location within this state.

33 (i) "Person" means any individual, partnership, firm, company,
34 association, corporation, not-for-profit organization, municipality or
35 limited liability corporation.

36 (j) "Seasonal retailer" means a person who receives consumer
37 fireworks and sells, delivers, consigns, gives or otherwise furnishes
38 consumer fireworks only to the public for their personal use and only
39 during the period of June 20 through July 7 of a calendar year.

40 (k) "Storage" means the safekeeping of fireworks in a warehouse or
41 magazine or comparable appropriate depository. Consumer fireworks that
42 are located at the destination of their retail sale and being held in
43 anticipation of retail sale are not considered as in "storage."

1 (l) (1) *"Unlimited distributor" means any person engaged in the*
2 *distribution of fireworks of any kind in the state of Kansas, including:*

3 (A) *Selling, delivering, transporting, consigning, giving, importing,*
4 *exporting or otherwise furnishing consumer fireworks to any person for*
5 *the purpose of reselling to a retailer or any other distributor or reseller*
6 *within the state of Kansas;*

7 (B) *selling, intending to sell, offering for sale, possessing with intent*
8 *to sell or consigning display fireworks or articles pyrotechnic to any*
9 *person, distributor, municipality or any other organization within the state*
10 *of Kansas; or*

11 (C) *producing, conducting or providing a licensed operator or*
12 *importing any display fireworks or articles pyrotechnic of any kind for*
13 *profit within the state of Kansas.*

14 (2) *"Unlimited distributor" does not include:*

15 (A) *Any person who transports fireworks from one state to another*
16 *state through the state of Kansas and such fireworks' ultimate destination*
17 *is not within the state of Kansas;*

18 (B) *any person who sells consumer fireworks during the period of*
19 *June 20 through July 7 of a calendar year as a seasonal retailer;*

20 (C) *any person who sells consumer fireworks year-round as a*
21 *permanent retailer;*

22 (D) *freight delivery companies or common carriers as defined in U.S.*
23 *department of transportation 49 C.F.R. § 171.8; or*

24 (E) *an out-of-state person who sells, transports, delivers or gives*
25 *fireworks to a licensed manufacturer or distributor.*

26 Sec. 2. K.S.A. 31-503 is hereby amended to read as follows: 31-503.

27 (a) Any person who intends to sell, offer for sale, possess with intent to
28 sell, any consumer fireworks, display fireworks or articles pyrotechnic or
29 discharge, use, display fireworks or articles pyrotechnic shall first obtain
30 the appropriate license from the state fire marshal. This shall not include
31 seasonal retailers.

32 (b) The types of license shall be as follows:

33 (1) Manufacturer;

34 (2) hobbyist manufacturer;

35 (3) *distributor of display fireworks;*

36 (4) *distributor of articles pyrotechnic;*

37 (5) *unlimited distributor;*

38 ~~(4)~~(6) display fireworks operator; and

39 ~~(5)~~(7) proximate pyrotechnic operator.

40 (c) *It shall be unlawful for any person to possess, purchase, sell or*
41 *offer for sale fireworks labeled "For Professional Use Only" that is not a*
42 *current licensee and in physical possession of a license, issued by the state*
43 *fire marshal, as a:*

- 1 (1) *Manufacturer;*
- 2 (2) *hobbyist manufacturer;*
- 3 (3) *distributor of display fireworks;*
- 4 (4) *distributor of articles pyrotechnic;*
- 5 (5) *unlimited distributor;*
- 6 (6) *display fireworks operator; or*
- 7 (7) *proximate pyrotechnic operator.*
- 8 (d) Before a license holder may operate, such license holder ~~must~~
- 9 shall satisfy the requirements of this act and regulations adopted by the
- 10 state fire marshal.
- 11 ~~(d)~~(e) The license holder shall be at least 21 years of age upon
- 12 applying for a license.
- 13 ~~(e)~~(f) Licenses shall not be transferable.
- 14 ~~(f)~~(g) The state fire marshal shall not charge or collect fees for
- 15 licensure. The licenses shall be valid for the following period of time:
- 16 (1) A manufacturer license shall be valid for a period of one year. A
- 17 holder of a manufacturer license is not required to have any additional
- 18 licenses in order to manufacture and sell any fireworks defined by this act.
- 19 (2) A hobbyist manufacturer license shall be valid for a period of four
- 20 years.
- 21 (3) A distributor license shall be valid for a period of one year.
- 22 (4) A display fireworks operator license shall be valid for a period of
- 23 four years.
- 24 (5) A proximate pyrotechnics operator license shall be valid for a
- 25 period of four years.
- 26 ~~(g)~~(h) A permit to conduct a fireworks display shall be obtained by
- 27 the sponsor or operator of a fireworks display from and approved by the
- 28 city or county where the fireworks display is to be discharged.
- 29 ~~(h)~~(i) No fee shall be charged for a license or permit under this
- 30 section for any person who is an officer or employee of the state or any
- 31 political or taxing subdivision of the state when that person is acting on
- 32 behalf of the state or political or taxing subdivision.
- 33 (j) *The retail sale of consumer fireworks through the internet or by*
- 34 *mail shall be prohibited. All retail sales of consumer fireworks shall be*
- 35 *made by a registered seasonal or permanent retailer at a physical location*
- 36 *registered with the state fire marshal.*
- 37 (k) *Any person who intends to sell consumer fireworks at retail as a*
- 38 *seasonal retailer or a permanent retailer shall register annually as a*
- 39 *seasonal retailer or permanent retailer with the state fire marshal. Such*
- 40 *registration shall entitle the person to engage in the possession for*
- 41 *purposes of retail sale, delivery, consignment, gifting or other distribution*
- 42 *at retail of consumer fireworks to any person as a seasonal retailer or*
- 43 *permanent retailer, respectively, subject to the provisions, limitations and*

1 *requirements of this act and regulations of the state fire marshal for a*
2 *seasonal retailer or permanent retailer, as applicable. Registration shall*
3 *be effective for one year from the date of registration. Registration shall*
4 *be made in the form and manner as determined by the state fire marshal.*
5 *Registration requirements shall include submission by a registrant of*
6 *permanent business contact information, the address of the physical*
7 *location or locations that retail sales will occur, the time period or periods*
8 *sales will occur and any other information that may be required by the*
9 *state fire marshal.*

10 *(l) The state fire marshal shall adopt rules and regulations as*
11 *necessary for the purpose of implementing the provisions of subsections*
12 *(c), (j) and (k).*

13 Sec. 3. K.S.A. 31-502 and 31-503 are hereby repealed.

14 Sec. 4. This act shall take effect and be in force from and after its
15 publication in the statute book.

9.12.070 - Fireworks.

- A. Fireworks. Except as hereinafter provided, it is unlawful for any person or entity to sell or discharge fireworks, as defined by the regulations of the Fire Marshal of the state, within the city limits of El Dorado, Kansas.
- B. Sale of Fireworks. Upon application to the city clerk, a permit to sell fireworks shall be granted upon the following conditions:
 - 1. All applications for a permit to sell fireworks shall be submitted to the city clerk at least ten days prior to the granting of such permit. No permits shall be granted prior to June 1st of the year in which fireworks will be sold pursuant to such permit;
 - 2. Approval of the location upon which fireworks are to be stored and/or sold; provided, however, that no such location shall be within seventy-five (75) feet of another location measured structure to structure and; provided further that, each such location upon which fireworks are to be sold shall provide for the public not less than one off-street parking stall per one hundred (100) square feet of sales structure floor area and adequate ingress and egress aisles. Fireworks shall not be stored or sold within fifty (50) feet of any source of flame, sparks or flammable or volatile liquids in excess of one gallon, except in stores where cleaners, paints and oils are handled in sealed containers only. A description of each location shall be provided to and approved by the fire chief of the city of El Dorado, Kansas, prior to the issuance of a permit. Each vendor shall also furnish without cost to the city such flag-person and attendants as are necessary to insure the orderly parking of vehicles around each sale site, and shall in no way interfere with the normal flow of traffic on public roads. No vendor shall allow parking on public right-of-way around any site;
 - 3. Approval of all safety precautions and equipment at each sales site by the fire chief, such precautions to include fire extinguishers and such other equipment as required by applicable state laws and regulations;
 - 4. Each vendor shall obtain a policy of general comprehensive liability insurance for a minimum coverage of five hundred thousand dollars (\$500,000.00) per occurrence, with the city of El Dorado, Kansas, named as an additional insured,

and shall provide the city with a copy of the certificate of such insurance. Such policy or policies shall not be cancelable by vendor upon less than thirty (30) days' notice;

5. Each vendor shall obtain a policy of product liability insurance for a minimum coverage of five hundred thousand dollars (\$500,000.00) per occurrence for products sold and/or stored within the city by the vendor, and shall provide the city with a copy of the certificate of such insurance. Such policy or policies shall not be cancelable by vendor upon less than thirty (30) days' notice;
6. Each vendor shall at all times indemnify and hold harmless the city of El Dorado, Kansas its officials, agents and employees, from and against any and all claims, actions, damages, liability and expense including, but not limited to attorneys' and other professional fees, in connection with loss of life, personal injury and/or damage to property arising from or out of the storage, sale, discharge and/or transportation of fireworks by such vendor and vendor's customers, employees, contractors and agents;
7. All fireworks stored or sold shall be of the type allowed by applicable state laws and regulations;
8. Payment of a permit fee in the amount of five thousand dollars (\$5,000.00) per sales site to the city clerk;
9. At the time of the issuance of any permit, each vendor shall deposit with the city clerk the sum of two thousand five hundred dollars (\$2,500.00) to reimburse the city for the cost of clean-up. Any amount of the deposit not used shall be returned to the vendor;
10. All permits to sell fireworks issued pursuant to this section shall be in writing, shall contain thereon such restrictions as may have been imposed by the fire chief and shall be permanently displayed at each location upon which the fireworks are to be sold. Each permit so issued shall be valid through June 1st of the following year, at which time the holder of such permit may renew the same by paying the applicable permit fee and complying with all other requirements for the reissuance of a permit. Should the holder of such permit fail to apply for renewal of such permit by June 1st, such permit shall expire;
- 11.

No permit shall be issued or renewed to a vendor who has failed to demonstrate financial responsibility. In this regard and by way of illustration, evidence that the holder of a permit has failed to pay the cost of merchandise when due, failed to pay costs associated with leased land or facilities when due, or failed to pay wages of employees when due in connection with sales of fireworks in prior years, may constitute sufficient grounds for the rejection of an application for a permit;

12. Sale hours shall be as follows:

Eight a.m. — twelve midnight, June
27th through July 3rd,

Eight a.m. to eleven p.m. July 4th,

Ten a.m. to ten p.m. December 28th
through December 30th, 1999,

Ten a.m. December 31st, 1999 to one
a.m. January 1st, 2000,

Ten a.m. to six p.m. January 1st,
2000;

13. All advertising signage shall be as per city zoning regulations.

C. Discharge of Fireworks. The discharge of State Fire Marshall approved fireworks within the city is permitted only at the following times and dates:

Ten a.m. to ten p.m. June 27th through
July 3rd;

Eight a.m. to midnight July 4th;

Ten a.m. to ten p.m. July 5th;

Ten a.m. to ten p.m. December 28th
through December 30th, 1999;

Ten a.m. December 31st, 1999 to one
a.m. January 1st, 2000;

Ten a.m. to six p.m. January 1st, 2000.

- D. Public Displays. Notwithstanding any other provisions set forth herein, special permits for public fireworks displays may be issued by the fire chief upon such terms and conditions as it shall deem appropriate to insure public safety.
- E. Discharge of Fireworks?Prohibited; Exception. Upon the determination of the fire chief, the discharge of fireworks may be terminated and prohibited within the city limits of the city of El Dorado, Kansas, upon the finding by the fire chief that said discharge constitutes an immediate hazard to the safety of property or persons within the city of El Dorado, Kansas. Upon such determination that the discharge of fireworks constitutes an immediate hazard, the governing body may by resolution and publication prohibit the discharge of fireworks, or in the case of an emergency situation, the mayor of the city of El Dorado, Kansas is empowered to issue a proclamation prohibiting the discharge of fireworks for not more than forty-eight (48) hours following said proclamation, which shall be publicized and posted at the City Hall of El Dorado, Kansas.
- F. Penalty. The violation of any provision of this section shall be punishable by a fine not to exceed two thousand five hundred dollars (\$2,500.00) and/or imprisonment for not more than one year and/or revocation of any permit to sell fireworks. Also, any permit holder violating any provision of this section shall first be issued a warning by the city fire chief and on any second or subsequent violation, the fire chief shall revoke the permit for sale and terminate the sale of fireworks by the violator. Any permit holder whose permit is revoked may appeal to the governing body by notice served upon the city clerk, and a hearing shall be called and held not less than twenty-four (24) hours from the date of the filing of such notice of appeal. In the event of a violation of this section, the fire chief shall have the authority to seize, take, remove or cause to be removed at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored or held in violation of this section or possessed or owned by any person for discharge.

(Ord. G-859, §§ 1, 2, 1999; Ord. G-851 § 1, 1999)

NAMING PARKS & RECREATIONAL FACILITIES

It is the policy of the City of El Dorado to name public facilities in accordance with their intended use and, where appropriate, to recognize distinguished citizens by naming parks or public facilities in their memory.

To assist in naming public facilities, a Parks and Recreation Board shall meet "as needed". Appointees shall be residents of the City and at least 18 years of age. The appointees may be members of another Board or Commission.

The Board shall be charged with formulating recommendations to the City Commission.

- 1) All proposals for naming a facility shall be referred in writing to the Parks and Recreation Board for recommendation. The proposal shall describe the facility or park to be named, shall state the name being proposed and shall include reasons and qualifications of such a person having a facility or park named after him or her.
- 2) All proposals for any donations such as trees, gazebos, statues or equipment to be received in memory of a deceased person shall be referred in writing to the Parks and Recreation Board for recommendation.
- 3) The name used must not be duplicated or be confused with the names of existing facilities. If the recommendation is a person's name, it may include only the name of a person who is deceased.
- 4) The person being distinguished must be one who has made a significant contribution to the City of El Dorado.
- 5) The selection of a name, if not a person's name, must be based on the function of the facility and the image the name would project.
- 6) The naming of City-owned facilities shall not be limited to new facilities. Existing facilities may be renamed if approved by the city commission.
- 7) The Parks and Recreation Board shall review all proposals and forward recommendations to the City Commission.
- 8) The City Commission shall have the final authority for selection of an appropriate name upon recommendation of the Parks and Recreation Board.