



CITY OF
TOPEKA

RETAIL FIREWORKS STAND INFORMATION



TOPEKA FIRE
DEPARTMENT

WELCOME



Thank you for your interest in conducting business in the City of Topeka, Kansas. We have prepared the following Retail Fireworks Stand Information to assist you in successfully completing the Application Process. Once you have completed and submitted your application, City staff will review your application, approving or making recommendations to it. Once this review is complete, your application will be returned to the City Clerk's Office. You will be notified at that time on the approval of your application and a Retail Fireworks License will be issued to you. If you have any questions during your application process, please contact Keya Downing in the City Clerk's Office at 785-368-3941 or the Topeka Fire Prevention Department at 785-368-4000.



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APPLICATION PHASE

The Application Phase will involve the following steps:

STEP 1: Application Deadline: May 31 at 5:00 p.m.

Retail Fireworks Application and Stand Information are available at the City of Topeka City Clerk's Office located at:

City Clerk's Office
215 SE 7th Street, Room 166
Topeka, Kansas, 66603
785-368-3941

- You may obtain an application in person;
- Request an application be mailed directly to you;
- Contact Keya Downing at kdowning@topeka.org to request an application be sent to you via electronic mail; or
- Download an application and stand information from the City's website at www.topeka.org
 1. Click the Government then Department dropdown box located in the middle of the page and select "City Clerk."
 2. Click on the "License Application" link listed on the left side of the City Clerk's web page.
 3. Select Fireworks and download application and information.

STEP 2: Select location for the retail fireworks stand

The City of Topeka Planning Department will permit retail fireworks stands to be located in specifically zoned areas. The approved zoned areas are as follows:

1. C-1 (Commercial – 1)
2. C-2 (Commercial – 2)
3. C-3 (Commercial – 3)
4. C-4 (Commercial – 4)
5. C-5 (Commercial – 5)
6. I (Industrial)

STEP 3: Verify that your chosen location is an approved area

It is the responsibility of the applicant to verify that your stand location is in an approved zoned area. Re-zoning of property occurs and you location may not be approved.



APPLICATION PHASE

(continued)

Contact the Planning Department to verify the current zoning of your selected location. You can reach the Planning Department at (785)368-3728. Please advise the administrative staff that you need to verify property zoning.

STEP 4: Obtain property owner consent, if necessary

If you are NOT the property owner of your selected location, written consent from the property owner will need to be obtained for your application.

STEP 5: Prepare a site diagram to be submitted with your application. All of the following information is required to be on the site diagram (See Site Diagram Example). Omission of required information may delay your application process or prevent your application from being approved.

- Name of the retail stand
- Name and contact number for the stand operator, if available at the time of application.
- Address of the stand location
- Compass direction
- Public roadways surrounding or adjacent to the property
- Names of the public roadways
- Location and name of any building structure or drive through or drive by facility. (Drive thru or drive by facility includes but is not limited to, ATM's, Postal Mail Drop Boxes, Bus stops, Dry Cleaners, etc.)
- Location of retail fireworks stand on the property
- Size of the temporary structure (tent) being used
- Distance between the stand and any existing buildings, structures or facilities on the property.

Stands are not to be located within 50 feet of any gasoline pump, gasoline filling station, gasoline bulk station or any building in which gasoline or volatile liquids are sold in quantities in excess of one gallon. (Kansas Administrative Regulation 22-6-8)

STEP 6: Obtain a photocopy of the "Certificate of Flame Resistance" of the tent being used.

- The "Certificate of Flame Resistance" will need to be obtained from the company that you rent your tent from.
- Only tents provided by a commercial rental company will be approved for use as a retail fireworks stand, providing that the tent has a "Certificate of Flame Resistance"



APPLICATION PHASE

(continued)

Tents or canopies purchased at retail stores such as: Discount stores, sporting goods stores, department stores, home improvement stores, etc., will not be allowed for use.

STEP 7: Application Deadline: 5:00 pm, May 31

Application submitted after the deadline date will not be accepted.

(NOTE: If May 31st falls on a Saturday or Sunday, the deadline will be the first business day following the holiday)

Return the completed Application to the Clerk's Office, with the following information attached:

- License Fee
- Legal description of the property
- Written Consent from property owner, if applicable
- Site Diagram, with contact information if available
- "Certificate of Flame Resistance" of the tent being used (Required by the Fire Department)

Omission of any required documents may delay your application review process or delay the issuance of your City of Topeka Retail Fireworks License.

CONGRATULATIONS, you have completed the application phase of the retail fireworks stand process. Attached is a checklist you may use to ensure that all the application requirements have been met.

The next phase of the process will be the Review Phase. Each application submitted is required to be reviewed and approved by the City of Topeka Planning and Fire Departments.

NOTE:

The use of any kind of inflatable animals, caricatures, signs, etc., is only allowed in areas that are zoned C-4, C-5, I-1 and I-2. Use of these items will require that a Special Temporary Sign Permit be obtained. For additional information regarding this use contact the City of Topeka Planning Department at (785) 368- 3728 and ask to speak with the Planner of the Day.

APPLICATION CHECKLIST



- ☐ Obtain application from City Clerk's Office on online
- ☐ Select an approved zoned location
- ☐ Verify current zoning of the selected stand location site
- ☐ Obtain property owner's written consent, if necessary
- ☐ Contact Planning Department for information and permit process regarding the use of inflatables

- ☐ Prepare site diagram
- ☐ Name of the retail stand
- ☐ Name and contact number of the stand operator, if available at the time of application
- ☐ Address of stand location
- ☐ Compass Directions
- ☐ Public roadways indicated
- ☐ Names of roadways on diagram
- ☐ Location of building(s) indicated
- ☐ Location of drive-thru or drive by facilities indicated
- ☐ Names of building(s) and/or facilities indicated
- ☐ Location of retail fireworks stand indicated
- ☐ Size of temporary (tent) structure indicated
- ☐ Distances between stand and existing building(s) and/or drive-thru or drive by facilities

- ☐ Copy of "Certificate of Flame Resistance" for stand obtained
- ☐ License fee (\$280.00)
- ☐ Completed application

All required documents attached to the application

- ☐ Legal description of the property
- ☐ Site diagram
- ☐ Property owners written consent, if necessary
- ☐ Copy of "Certificate of Flame Resistance"

Application, including all required documents, submitted to the City Clerk's Office before 5:00 pm, May 31st.

APPLICATION REVIEW PHASE



This phase will involve the review process of the completed and submitted application for a retail fireworks stand. Each application will be reviewed by both the planning and fire departments.

The completed application, submitted initially to the Clerk's Office, will be forwarded to the Topeka Fire Department for review, sent to the Planning Department for review and finally returned back to the Clerk's Office for issuance of the City of Topeka Retail Sales License, for fireworks. City of Topeka Departments will review for the following information.

Topeka Fire Department:

- Review the property owner's written consent, if applicable
- Review for all the required information on the site diagram
- Review the distances between the retail stand and existing buildings and drive through or drive by facilities
- Review the size of the tent for further requirements
- Review the "Certificate of Flame Resistance" for the tent
- Sign and date the application.

Planning Department:

- Review the address identification
- Review the property owner's written consent, if applicable
- Review for approved zoning for a retail fireworks stand
- Sign and date the application.

Once the City Clerk's Office receives the reviewed and signed application a City of Topeka Retail Sales License, for fireworks the departmental application review phase is complete.

TOPEKA FIRE DEPT. REQUIREMENTS FOR RETAIL FIREWORK STAND



While there are other city departments that regulate retail firework stands, the Fire department is the primary enforcement agency or authority having jurisdiction. The Clerk's Office addresses the receipt of the retail stand, application and issuance of the City of Topeka Retail Sales license; the Planning Department addresses the location of where retail stands can be located and conduct business; and the Fire Department addresses the fire and life safety of the stand in addition to specific requirements.

We will now address the specific requirements for the stand, itself. Most retail firework stands are operated out of a tent rented from a commercial rental company. There have been a few rare occasions of a retail stand being operated out of something other than a tent, so we will address the most common structure used...the TENT.

When it comes to requirements for a tent, the Fire Department enforces the requirements within the adopted 2021 International Fire Code, Tents, Canopies and Other Membrane Structures. All tents used for a retail firework stand are required to comply with the code. Failure to comply will result in the issuance of the Topeka Fire Department Tent Permit, for Retail Firework Sales, being delayed. **Without a Topeka Fire Department Fireworks Tent Permit, fireworks cannot be sold to the public.** Each tent requirement will be broken down and explained.

LET'S BEGIN with the outside of the tent first.

REQUIREMENTS FOR THE OUTSIDE OF A RETAIL FIREWORKS STAND TENT

Certificate of Flame Resistance:

Each tent is required to have a "Certificate of Flame Resistance". Tents rented from a commercial rental company will meet this requirement. Renting your tent from a commercial rental company will ensure that it will. During the application phase you were required to attach a copy of this certificate to your application, ensuring that your tent met this requirement. Your tent will have a label attached to it stating that it meets the Flame Resistance Requirements.

TENTS THAT DO NOT MEET THE FLAME RESISTANCE REQUIREMENTS CANNOT BE USED AS A RETAIL FIREWORKS STAND

20-foot-wide barricade provided around the tent:

Each tent is required to have a 20-foot-wide barricade or separation around the tent to prevent vehicles from parking next to the tent. If the tent is located on a parking lot or in a field where vehicles can park, then the barricade is required. The barricade is to be constructed around all sides of the tent.

TOPEKA FIRE DEPT. REQUIREMENTS FOR RETAIL FIREWORK STAND (cont.)



Several methods can be used to construct this barricade. Some of these are:

- Cement blocks and landscape timbers
- Metal posts and orange construction fencing
- Metal posts and flags
- Orange construction stanchions and rope Whatever method used to construct the barricade it must be:
- Around all four sides of the tent.
- An opening in the barricade shall be provided for the main entrance to the tent and the additional required exits.
- Easily visible to the drivers of passenger vehicles
- Replaced or repaired if damaged, blown down by wind or knocked down by customers.

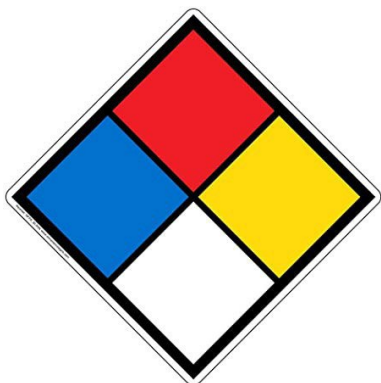
To measure for the 20-foot-wide barricade you will begin at the tent stakes and measure outward away from the tent to 20 feet. (See Example) This form of measurement is to be used on all 4 sides of the tent.

Hazardous Materials Identification - NFPA 704 Placard:

NFPA 704 Placards are to be placed on the outside of the tent where they are easily visible by responding emergency personnel. Placards are to be located on all four sides of the tent.

NFPA 704 Placards are to measure no less than 10 inches square (each side of the placard is to be no less than 10 inches). Placards may be larger in size but no smaller.

NFPA 704 Placard will have 4 smaller colored squares (red, blue, yellow and white) with a number placed in 3 of the colored squares. Below is a sample of what a blank NFPA 704 Placard looks like:



The number 4 is required to be placed in the Blue, Red and Yellow squares. The white square is to be left blank. Each number will need to be at least 4 inches in height. Vinyl peel and stick numbers work the best.

NFPA 704 Placards are to be durable enough to withstand the elements (wind and rain) and to be securely attached to the outside of the tent.



TOPEKA FIRE DEPT. REQUIREMENTS FOR RETAIL FIREWORK STAND (cont.)

REQUIREMENTS FOR THE INSIDE OF A RETAIL FIREWORKS STAND

Occupant load sign:

Each tent is required to have an Occupant Load sign posted inside. The occupant load tells you how many people can be in the tent at any given time. This includes customers and employees.

The occupant load number is determined by the Fire Department using the 2021 International Fire Code, and is based on the size of your tent. We have attached a table (See Table A) of the common tent sizes available with the occupant load already determined. Locate the size of your tent to determine the occupant load number. This number is to be indicated on your Occupant Load sign. (See Example)

Occupant load signs are to be easily visible to the public. The letters and numbers are to be black in color and on a white background.

NO SMOKING SIGNS:

NO SMOKING signs are to be posted inside the tent (a minimum of 2 signs inside) and on the outside of the tent at the main entrance.

The NO SMOKING signs are to be easily visible to the public. We suggest that the signs be commercially manufactured. These signs may be purchased at retail stores, home improvement stores or hardware stores.

NO SMOKING is to be strictly enforced inside the tent by all employees. This includes cigarettes, cigars and pipes. For safety reasons, a metal container with sand be placed outside the main entrance, located 10 feet away from the tent for customers to discard their smoking materials in. Smoking materials discarded on the ground could potentially be blown by the wind, roll into or accidentally tossed into the tent.

Samples of NO SMOKING signs:





TOPEKA FIRE DEPT. REQUIREMENTS FOR RETAIL FIREWORK STAND (cont.)

EXITS and EXIT Signs:

Each tent is required to have a minimum of 2 EXITS. These exits are to be located away from each other and are to be a minimum of 6 feet wide. The main entrance will count as one of the 2 required exits. (See EXIT Placement diagram for an example)

Depending on the calculated occupant load of the tent, more than 2 exits may be required. To determine the number of required EXITS use the attached table. Locate the size of your tent; follow over to the EXIT column to determine the number of required exits. (Table A)

Each required EXIT opening is to have an EXIT sign placed inside the tent directly above the opening.

- EXIT signs are to be easily visible at all times.
- EXITS are required to be kept unobstructed at all times.
- EXIT aisles are to be kept clear of displays, trash and any other items that may prevent exiting or create a trip hazard.

Fire Extinguishers:

Each tent is required to have a minimum of 2 fire extinguisher, no less than 2A 10BC in size. Fire extinguishers may be larger in size but cannot be any smaller than a 2A 10BC.

Based on the size of your tent more than 2 fire extinguishers may be required. Fire extinguishers are to be located where they are easily visible, secured and easy to get to in the event of an emergency.

Fire extinguishers may be purchased from a retail store or home improvement store. If purchased make sure that you purchase a 2A 10BC

If your fire extinguishers are provided by a commercial fire extinguisher business you will need to ensure that the attached serviced tag date is for the current year. Extinguishers that do not have a current service date will not be accepted.

Aisle widths:

Main aisles are those that lead to the required EXITS. (See EXIT Placement diagram for an example)

Aisle widths are to be no less than 44 inches wide in public areas and no less than 36" in employee only areas. Aisle widths are to be maintained at all times and free of any materials or trip hazards.

TOPEKA FIRE DEPT. REQUIREMENTS FOR RETAIL FIREWORK STAND (cont.)



Sales/display tables:

Sales/display tables are to be arranged so that they DO NOT BLOCK THE REQUIRED EXITS.

Possession and Discharge Notice:

City of Topeka Ordinance No. 8.35.070 requires that a "Possession and Discharge Notice" be posted on the premises where fireworks are being sold. The notice shall be at least 8 ½ inches by 11 inches in size and printed in type no smaller than 12 characters per inch.

The Topeka Fire Department suggests that the notice copies onto a bright/neon colored paper such as orange, yellow, pink or green, and be easily visible to customers purchasing fireworks.

Written Discharge Notice (See page 29 for template):

City of Topeka Ordinance No. 8.35.070 requires that "each seller is required to give each purchaser of fireworks at the time of sale a written notice stating the following:"

"The discharge of fireworks is lawful in the City of Topeka on July 3 from the hours of 10:00 am to 11:00 pm, and on July 4 from 10:00 am to 11:59 pm. Discharge on any other day or during any other times is unlawful."

We have addressed requirements for the outside and inside of the retail fireworks stand tent. Now we will address requirements for special conditions such as the use of electricity, generators and on-site storage of fireworks inventory.



TOPEKA FIRE DEPT. REQUIREMENTS FOR SPECIAL CONDITIONS

Use of electricity at the retail fireworks stand:

With a retail firework stand comes the use of cash registers or credit card machines. Both require electricity to operate and the electricity can come from different sources, such as existing electrical outlets, temporary power pole or generators. Each of these different methods will have specific requirements.

Use of existing electrical outlets, usually from a light pole:

The only requirement here will be the use of extension cords to provide electricity. The use of extension cords will have to meet the following requirements:

- Any extension cord used will have to be a commercial heavy-duty cord approved of outdoor use.
- All extension cords located where vehicles may drive over them or customers can walk over them are required to be protected to prevent abrasion from traffic and to prevent tripping over them. The simple use of duct tape will not work.
- The use of light-weight extension cords is strictly prohibited.

New temporary power pole or existing temporary power pole:

If the approved site you have selected does not have an existing source or power, you may decide to have a temporary power pole installed or have an existing temporary pole re-energized.

The City of Topeka requires an inspection of new electrical service or to re-energize existing electrical service for firework stands. In order for Westar to turn the power on a city inspection will be required to have been completed.

New poles or repairs to stationary on-site poles that will need to be energized or re-energized, require that the work be done by a licensed electrical contractor. A permit to perform the work will need to be obtained and the city inspection passed before Westar will provide service.

If you decide to have a temporary power pole installed or to re-energize an existing pole contact the following department for requirements before proceeding.

City of Topeka Development Services Division 620 SE Madison Street, 3rd Floor
Topeka, Kansas 66607
(785) 368-3905

Use of extension cords with a temporary power pole must meet the same requirements for use with an existing power source.

TOPEKA FIRE DEPT. REQUIREMENTS FOR SPECIAL CONDITIONS (cont.)



Use of a portable generator:

Often times an existing source or power is not available and the retail stand applicant/owner does not want to install a temporary power pole, a portable generator may be used. All portable generators are required to meet the following:

- Generators are required to be located no less than 20 feet away from the tent.
- A barricade is to be constructed around the generator to prevent the public from coming into contact with it.
- Fuel for a gas powered generator is to be stored 50 feet away from the tent and in an approved manner. The refueling of a gas powered generator is to be done no less than 20 feet away from the tent.
- The use of extension cords with a generator must meet the same requirements for the use with an existing power source or temporary power pole.

Use of space heaters:

The use of space heaters is prohibited, unless:

- The heater is a ceramic space heater, and
- The heater has a thermal safety shut-off switch, and
- The heater has a safety shut-off that activates if the heater is tipped or falls over.

Grassy lot stand locations:

If your retail fireworks stand is located on a grassy lot the following will be required:

- All vegetation is to be cut to within 3" of the ground where the tent will be located.
- All vegetation within 30 feet of the outsides of the tent is to be cut within 3" of the ground.
- The cleared areas are to be maintained the entire time that the tent is in place.

Waste materials:

Operating and maintaining a retail firework stand tent that is free of combustible waste materials, is a key factor in preventing fires. It is the responsibility of the retail firework stand employees to make sure that this is maintained at all times and the following requirements are met:

- The floor area inside the tent is to be kept free of combustible materials and waste.
- Combustible waste materials are not allowed to accumulate, outside the tent and within 30 feet of the stand or within 20 feet of the storage trailer/container if used.
- All combustible waste materials are to be placed in approved containers until removed from the premises.

COOKING INSIDE THE TENT OR NEAR THE TENT IS STRICTLY PROHIBITED

TOPEKA FIRE DEPT. REQUIREMENTS FOR ON-SITE STORAGE OF INVENTORY



Retail firework stand applicants/owners may wish to store their inventory on-site. If you do choose to store your inventory on-site in a trailer or container the following requirements must be met:

- The storage trailer/container is to be of metal construction.
- The storage trailer/container is to be capable of being locked.
- Storage trailer/container is to be locked at all times with the exception of when inventory is being removed.
- Storage trailer/container is to be located a minimum of 20 feet away from any dumpsters, structures, tent or other retail firework stand.
- Storage trailer/container is to be located a minimum of 50 feet away from any vehicle fuel station.
- Signs stating "NO SMOKING WITHIN 50 FEET" are to be placed on the outside of the storage trailer/container. Below is an example.



DOT (Department of Transportation) Placards are to be placed on the storage/trailer container. Placards are to be a minimum of 15 inches by 15 inches and located on 3 sides of the trailer/container.

DOT Placards are required to be orange in color with 1.4 G noted on the placard. The 1.4G designation is to be 4 inches in height and black in color. The following are examples of the required placards.

FINALLY! You are finished with the requirements for the retail stand tent and on-site storage trailer/containers. Now the most important day.... **SALES DAY, JUNE 29th.**

BEFORE any consumer fireworks can be sold to the public, a Fire Inspection must have been completed by a Topeka Fire Department Inspector. Inspectors will conduct an inspection of the retail stand on **June 28th**, unless an early inspection has been requested and approved. Inspections will be started as soon as possible and the Inspectors will be checking for the requirement compliance. Retail stand tents should be ready for the Inspectors arrival. Those that are not ready will result in the permit being delayed and not being able to sell fireworks until compliant.

PRE-INSPECTION CHECKLIST INSTRUCTIONS



Retail Stand Owners Checklist:

This checklist is designed to assist the retail stand owners in ensuring that any or all items they are providing or items required by the City of Topeka and/or the Topeka Fire Department have been provided to the retail stand site.

Retail Stand Manager and/or Employee Checklist:

NOTE: This checklist is required to be provided to the retail stand manager(s) and/or employees.

This checklist is designed to assist the retail stand manager and/or employees with the requirements that are to be completed, before the **June 28th** inspection by the Topeka Fire Department. All applicable items are to be completed before the Fire Department Permit will be issued and the stand can be opened up to the public for sales.

REMINDER!

METAL SPARKLERS are prohibited to be sold at retail stands within the city limits.

BOTTLE ROCKETS are prohibited to be possessed or sold within the State of Kansas.

SKY LANTERNS are prohibited - International Fire Code 308.1.6.3

PRE-INSPECTION CHECKLIST FOR RETAIL FIREWORKSTAND MANAGERS/EMPLOYEES



This checklist is designed to assist you with the requirements that will need to be completed, before the June 28th fire department inspection. After the Fire Department inspection and issuance of the Fire Department Permit, will the stand be permitted to open to the public for sale of fireworks?

- ☐ NO SALES until inspected sign posted at the main entrance
- ☐ City License on site and posted for public to see.
- ☐ Possession and Discharge Notice posted
- ☐ Copies of Written Discharge Notice on hand for providing all customers
- ☐ 20 foot wide barricade around the tent, or applicable sides
- ☐ NFPA 704 placards posted on the outside of the tent, all 4 sides
- ☐ NO SMOKING sign posted outside at the main entrance
- ☐ NO SMOKING signs posted inside the tent
- ☐ Occupant Load sign posted inside the tent
- ☐ Required number of EXITS provided
- ☐ EXIT width of 6' provided at main exits
- ☐ Aisle width of 44" minimum
- ☐ EXIT signs posted above each required exit
- ☐ Fire extinguishers placed in visible and accessible locations and secured
- ☐ All extension cords subject to foot or vehicle traffic are protected, with provided devices
- ☐ Sales tables are arranged so not to block required EXITS
- ☐ Fireworks for sale are unpacked and set on tables
- ☐ Fireworks inventory is checked for Metal Sparklers. If found they are removed and not for sale
- ☐ Pre-packaged assortments are checked for Metal Sparklers. If found they are removed and either substituted with wooden ones or removed and not sold
- ☐ Fireworks inventory is checked for items that may be classified as "Bottle Rockets". If found they are removed until a determination is made by the Fire Department Inspector. If classified as a "Bottle Rocket" they will be seized by local authorities
- ☐ Aisles are clear of trash, empty boxes and waste items
- ☐ Trash dumpster located at least 20 feet from tent and 20 feet from storage trailer/container, if used
- ☐ Receptacle for smoking materials is located outside near the entrance
- ☐ Generator is located 20 feet away from the tent, if used
- ☐ Barricade is constructed around the generator, if used
- ☐ Fuel for the generator is located at least 50 feet away from the tent, if used
- ☐ On-site storage trailer/container is located 20 feet away from the tent and dumpster, if used

**PRE-INSPECTION CHECKLIST FOR RETAIL
FIREWORK STAND MANAGERS/EMPLOYEES (cont.)**



- ☐ DOT placards are placed on the outside of the trailer/container, on 3 sides if used
- ☐ NO SMOKING WITHIN 50 FEET sign is placed on 3 sides of the storage trailer/container, if used
- ☐ On-site storage trailer/container is locked at all times, unless inventory is being removed by employees
- ☐ Grass inside the tent is cut to within 3" of the ground, if located on a grassy lot
- ☐ 30 foot wide area around the outside of the tent is cut to within 3" of the ground, if located on a grassy lot
- ☐ Space heaters, if used, are ceramic heaters with built in safety switches that activate when overheated or they have fallen or been tipped over
- ☐ Requirements have been completed before the fire department inspection
- ☐ Temporary balloon signs are located at least 20 feet away from tent



Attachments:
COT Municipal Code,
Diagrams, Examples, Tables

8.35.070 Fireworks.

(a) *Definitions.*

- (1) "Fireworks" shall mean any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration, or detonation, that meets the definition of "consumer fireworks" or "display fireworks" as set forth in this code. [NFPA 1124, 2006]
- (2) "Consumer fireworks" shall mean any small fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion that comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission (CPSC), as set forth in CPSC [16 CFR 1500](#) and [1507](#), [49 CFR 172](#), and APA Standard 87-1, Standard for the Construction and Approval for Transportation of Fireworks, Novelties and Theatrical Pyrotechnics [NFPA 1124, 2006]. Metal sparklers are specifically excluded from the definition of consumer fireworks.
- (3) "Display fireworks" shall mean large fireworks devices that are explosive material intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as set forth in CPSC [16 CFR 1500](#) and [1507](#), [49 CFR 172](#), and APA Standard 87-1, Standard for the Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics.
- (4) "Fire Chief" shall mean the duly appointed Chief of the City of Topeka Fire Department or any person designated by said Chief to enforce the provisions of this chapter.
- (5) "Special event" shall mean an organized celebration, commemoration, occasion or other similar event sponsored by a nonprofit religious, educational or community service organization.

(b) *Metal Sparklers.* It shall be unlawful for any person to possess, transport, or ignite a metal sparkler within the City.

(c) *Possession/Discharge of Fireworks.* It shall be unlawful for any person to possess, transport, ignite, discharge or cause to be discharged any fireworks in the City except as specifically permitted in this section.

- (1) Consumer fireworks may be discharged within the City of Topeka as follows:
 - (i) Between the hours of 10:00 a.m. and 11:00 p.m. on July 3rd of each year.
 - (ii) Between the hours of 10:00 a.m. and 11:59 p.m. on July 4th of each year.
- (2) A person shall not recklessly or intentionally discharge, ignite or otherwise cause fireworks:
 - (i) To place another person in reasonable apprehension of immediate bodily harm;
 - (ii) To cause physical contact with another person; or

(iii) To deface or damage real or personal property of another person without the consent of any such other person.

(3) A person shall not ignite or discharge fireworks into, under, or from a car or vehicle, whether moving or standing still, or on a public roadway or the right-of-way adjoining a public roadway.

(4) Fireworks shall not be discharged within 100 feet of any "place or institution," as defined by National Fire Protection Association Standard No. 101, which is adopted by reference in K.A.R. [22-1-3](#), or any retail fireworks stand or facility where fireworks are stored.

(5) Fireworks shall not be discharged within 500 feet of the Colmery-O'Neil Veterans Affairs Medical Center building at 2200 S.W. Gage Boulevard.

(6) It shall be unlawful for any person to possess, ignite or otherwise cause the discharge of any fireworks that are not consumer fireworks or any fireworks which are prohibited by Federal or State statute or regulation.

(d) *Sale of Fireworks.*

(1) It shall be unlawful for any person to sell, hold for sale, or offer for sale at retail, any consumer fireworks in the City unless such person has first obtained a permit from the City as a retailer.

(2) Any person desiring to sell or offer for sale any consumer fireworks as a retailer shall make application to the City Clerk for a permit authorizing the same. Such application shall include the following information and such additional information as the Fire Chief shall deem necessary:

(i) The name and residence address of the applicant.

(ii) The location of the premises for which the permit is sought. If ownership of premises is different from the applicant, written consent of the owner is required.

(iii) When the permit is sought in a temporary structure or facility, the applicant shall provide a legal description of the premises, a description of the structure or facility to be used, and the location of such structure or facility upon the premises. All temporary structures, including tents, shall be posted with the approved NFPA 704 placards. A copy of subsection [\(c\)](#) of this section shall also be posted on all premises where fireworks are sold. Such notice shall be at least eight and one-half inches by 11 inches in size and printed in type no smaller than 12 characters per inch. After an inspection of the premises including review by appropriate City agencies such as the Fire Department and Development Services Director, and consideration of the information contained in the application for a permit, the Fire Chief may issue a permit therefor, conditioned upon reasonable safety measures to be specified in the permit and upon payment by the applicant of a fee of \$280.00 to the City Clerk. Any permit issued under the provisions of this section shall be valid only for the period of June 29th through and including July 4th of the year in which issued and shall be issued in accordance with the International Fire Code article entitled "Permits." Persons responsible for the operations of fireworks stands in which fireworks are stored or handled shall be familiar with safety requirements for the materials being sold, and the appropriate actions necessary

in the event of a fire. Additionally, each seller is required to give each purchaser of fireworks at the time of sale a written notice stating the following:

The discharge of fireworks is lawful in the City of Topeka on July 3, from the hours of 10:00 a.m. to 11:00 p.m., and on July 4 from 10:00 a.m. to 11:59 p.m. Discharge on any other day or during any other times is unlawful.

- (e) *Confiscation of Fireworks.* Any fireworks in the immediate possession or control of a person violating any City ordinance controlling the use of fireworks may be confiscated by any sworn law enforcement official, the Fire Chief, or any member of the Fire Department who has been duly authorized by the Fire Chief. Confiscated fireworks must be retained by the confiscating agency and may only be destroyed upon approval by the court. The City Council encourages the Fire Department to continue public education efforts and encourages the Police Department to work internally and with the community to develop improved strategies for enforcement.
- (f) *Adult Supervision Required.* At all times that it is lawful for any person over the age of 18 years to possess and discharge permitted consumer fireworks, it shall also be lawful for a person under the age of 18 years to possess and discharge permitted consumer fireworks when such person does so under adult supervision and in the physical presence of the adult. It shall be unlawful for any person over the age of 18 years to permit a person under the age of 18 to discharge fireworks without adult supervision and in the physical presence of the adult.
- (g) *Rules and Regulations.* Display fireworks may be sold and ignited and/or discharged pursuant to rules and regulations established by the Chief of the Topeka Fire Department.
- (h) *Special Events.* Consumer fireworks may be ignited and/or discharged for a special event pursuant to rules and regulations established by the Fire Chief or designee.
- (i) *Penalties.* Any person convicted of violating any of the provisions in this section shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$250.00 to a maximum amount of \$499.00 per violation. In addition to any fine, the individual may be sentenced up to 179 days in jail. The fine shall not be paroled. (Ord. 20112 § 1, 3-6-18.)

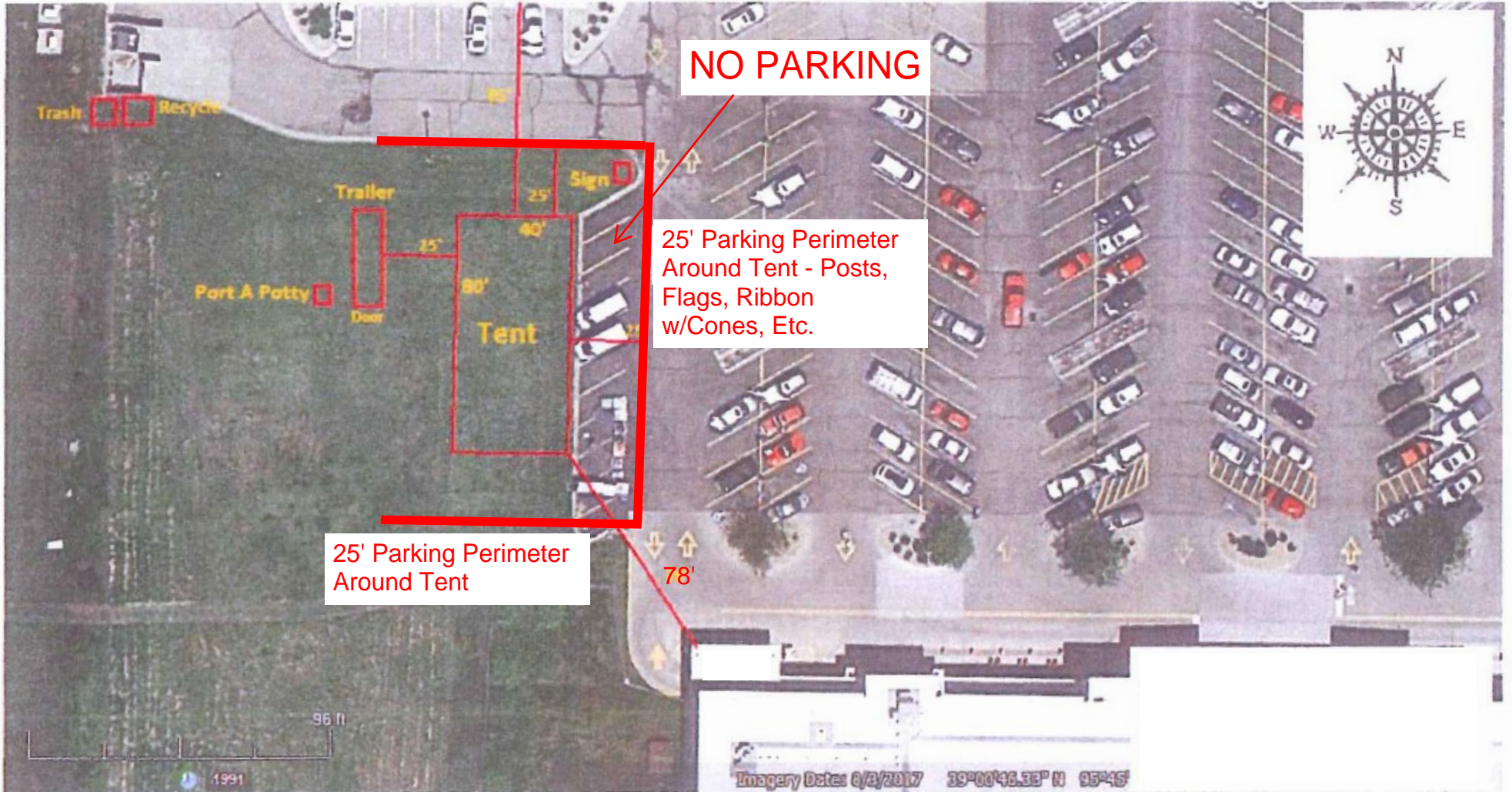
Cross References: City Clerk, TMC [2.20.010](#); Police Department, TMC [2.20.090](#).

The Topeka Municipal Code is current through Ordinance 20483, passed April 2, 2024.

Disclaimer: The City Clerk's Office has the official version of the Topeka Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.topeka.org](http://www.topeka.org)

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NO PARKING

25' Parking Perimeter
Around Tent - Posts,
Flags, Ribbon
w/Cones, Etc.

25' Parking Perimeter
Around Tent



Imagery Dates 8/3/2017 39°00'46.35" N 95°45'

TABLE 906.3(1)
FIRE EXTINGUISHERS FOR CLASS A FIRE HAZARDS

	LIGHT (Low) HAZARD OCCUPANCY	ORDINARY (Moderate) HAZARD OCCUPANCY	EXTRA (High) HAZARD OCCUPANCY
Minimum-rated single extinguisher	2-A ^c	2-A	4-A ^a
Maximum floor area per unit of A	3,000 square feet	1,500 square feet	1,000 square feet
Maximum floor area for extinguisher ^b	11,250 square feet	11,250 square feet	11,250 square feet
Maximum distance of travel to extinguisher	75 feet	75 feet	75 feet

For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m², 1 gallon = 3.785 L.

- a. Two 2½-gallon water-type extinguishers shall be deemed the equivalent of one 4-A rated extinguisher.
- b. Annex E.3.3 of NFPA 10 provides more details concerning application of the maximum floor area criteria.
- c. Two water-type extinguishers, each with a 1-A rating, shall be deemed the equivalent of one 2-A rated extinguisher for Light (Low) Hazard Occupancies.

TABLE 3103.12.2
MINIMUM NUMBER OF MEANS OF EGRESS AND MEANS OF EGRESS WIDTHS
FROM TEMPORARY MEMBRANE STRUCTURES AND TENTS

OCCUPANT LOAD	MINIMUM NUMBER OF MEANS OF EGRESS	MINIMUM WIDTH OF EACH MEANS OF EGRESS (inches)	MINIMUM WIDTH OF EACH MEANS OF EGRESS (inches)
		Tent	Membrane Structure
10 to 199	2	72	36
200 to 499	3	72	72
500 to 999	4	96	72
1,000 to 1,999	5	120	96
2,000 to 2,999	6	120	96
Over 3,000 ^a	7	120	96

For SI: 1 inch = 25.4 mm.

- a. When the occupant load exceeds 3,000, the total width of means of egress (in inches) shall be not less than the total occupant load multiplied by 0.2 inch per person.

**MAXIMUM
OCCUPANCY**



CITY OF
TOPEKA

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TOPEKA FIRE
DEPARTMENT