

**HOME RULE RESOLUTION NO. H.R. 2003-\_\_**

**A RESOLUTION PLACING LIMITATIONS ON THE DISCHARGE OF  
FIREWORKS WITHIN THE BOUNDARIES OF THE MONTARA SUBDIVISIONS**

**WHEREAS**, the Board of County Commissioners of the County of Shawnee, Kansas, finds that the public health, safety, morals, and general welfare of the public are of paramount concern; and

**WHEREAS**, the Board of County Commissioners of the County of Shawnee, Kansas, finds that the exercise of the police power is appropriate when the above concerns are implicated; and

**WHEREAS**, concerns have been raised regarding frequent disturbances of the peace caused by the year-round discharge of fireworks within the Montara Subdivisions; and

**WHEREAS**, Home Rule Resolution No. H.R. 2003-4 provides that upon receipt of a petition certified by the Shawnee County Clerk as having been signed by at least sixty percent (60%) of the real property owners in the Montara Subdivisions, the Board of County Commissioners shall conduct a public hearing to determine if fireworks restrictions should be enforced within the boundaries of said platted subdivisions; and

**WHEREAS**, a petition meeting the requirements of Home Rule Resolution No. H.R. 2003-4 has been certified by the Shawnee County Clerk and approved for legality and form by the Shawnee County Counselor's Office; and

**WHEREAS**, the notice requirements of Home Rule Resolution No. 2003-4 have been satisfied;

**NOW THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of the County of Shawnee, Kansas, sitting in regular session on this \_\_\_\_ day of \_\_\_\_\_, 2003, and intending to exercise its powers of home rule legislation pursuant to K.S.A. 19-101a, does hereby resolve as follows:

1. For the purposes of this resolution, the term "Montara Subdivisions" shall include Montara Subdivision, Montara North Subdivision, Montara Subdivision No. 1, and Greenview Subdivision.
2. The term "fireworks" shall include all items classified as fireworks by the United States Department of Transportation.
3. The discharge, explosion, or use of any fireworks within the Montara Subdivisions is prohibited except between the hours of 8:00 a.m. and 10:00 p.m. on July 1-3 and between the hours of 8:00 a.m. and 12:00 p.m. (midnight) on July 4.

4. If any person is convicted of any violation of this resolution, the following fines and penalties shall be imposed:
  - a. for the first violation, a fine in the amount of fifty dollars (\$50)
  - b. for the second violation, a fine in the amount of two hundred fifty dollars (\$250) dollars
  - c. for the third or any subsequent violation, a fine in the amount of one thousand dollars (\$1000).
  
5. Upon annexation by any City, the fireworks restrictions herein shall become void, and the subdivisions shall be subject to all laws and jurisdiction of the annexing City.
  
6. Should any court declare any section, clause, or provision of this resolution to be unconstitutional, such decision shall affect only such section, clause, or provision so declared unconstitutional and shall not affect any other section, clause, or provision of this resolution.
  
7. This resolution shall become effective upon publication in the official County newspaper.

BOARD OF COUNTY COMMISSIONERS  
SHAWNEE COUNTY, KANSAS

\_\_\_\_\_  
Vic Miller, Chairman

\_\_\_\_\_  
Theodore D. Ensley, Vice-Chairman

\_\_\_\_\_  
Marice A. Kane, Member

ATTEST:

\_\_\_\_\_  
Cynthia A. Beck, Shawnee County Clerk

APPROVED AS TO FORM AND LEGALITY BY THE SHAWNEE COUNTY COUNSELOR'S OFFICE	
DATE _____	BY _____