

**MEETING OF THE BOARD OF COUNTY COMMISSIONERS
SITTING AS THE GOVERNING BODY OF FIRE DISTRICT #1**

REGULAR MEETING

June 24, 2009

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 11:14 a.m., on Wednesday, June 24, 2009 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Kelly Parks; with the following present: Chair Pro Tem Gwen Welshimer; Commissioner David M. Unruh; Commissioner Tim R. Norton; Commissioner Karl Peterjohn; Mr. Tim Millspaugh, Fire Marshall; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor and Ms. Angela Lovelace, Deputy County Clerk.

ROLL CALL

The Clerk reported, after calling roll, that all Commissioners were present.

NEW BUSINESS

A. PRESENTATION ON FIREWORKS, LEGAL USEAGE

Chairman Parks said, "I will call upon Fire Marshall Millspaugh. We have a nice map with a nice fire red background. I have asked Fire Marshall Millspaugh to give us some updates. This is the time of the year that they can get busy. We need to get information out to the people on fireworks and what's legal and what's not."

Mr. Tim Millspaugh, Fire Marshall, greeted the Commissioners and said, "Right. Not asking you to approve or disapprove anything this morning, just informational on what's legal, what's not legal in Sedgwick County and the different cities in Sedgwick County. I'll just go on and start the explanation of the map. The map is available, I believe, on the Sedgwick County's website or it soon will be. Fireworks go on sale this Saturday by state law, so we're gearing up for this Saturday. Looking at the map, what you see as the red area is where fireworks are illegal to possess, sell, or to shoot, which is good chunk of the County. Looking at also the gray areas, which is the city of Bel Aire and the community of Oaklawn, fireworks are also illegal to possess, sell or shoot in those areas as well."

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“In the areas in blue, those are cities outside of the fire district. We recommend that people call those particular municipalities and find out what the laws are in those cities. Most of them allow fireworks. In the past Cheney and Colwich have not so you may check with those different cities and see what is legal in those cities.

“The yellow coded areas are cities within the Fire District. Fireworks are legal in those areas and the types of fireworks are anything that’s allowed by state law in the state of Kansas. Then we get to Wichita, the green area. Wichita has specific rules, they do allow fireworks, but they have specific rules on what can be shot and it is those that are approved by the Wichita Fire Department and the specifics on that is they can only go six feet high or six feet wide, the device that you’re shooting can. Now, the problem we run into, with everything that’s legal in the state being sold in Maize, Goddard, Haysville, Park City, Kechi, those towns, and Andale, as well as Garden Plain, those fireworks bought there will likely not be legal fireworks in the City of Wichita. They’re definitely not legal in the unincorporated areas of Sedgwick County. That’s the problem we run into, people buy them and they can buy bigger things in the smaller towns than they can in Wichita. Wichita, I assume will be doing patrols as much as possible in the City of Wichita. If you get caught with these you could get fined with a mandatory court appearance.

“Our motto in years past has been ‘shoot them where you buy them.’ If you buy them in Park City, shoot them in Park City. If you buy them in Wichita, shoot them in Wichita, so on and so forth, wherever you may be. The problems we’ve had in the past is with commercial grade fireworks, which are very dangerous, but it is a violation of federal law to possess commercial grade fireworks to shoot them if you do not have a federal license from the ATF&E (United States Department of Alcohol, Tobacco, Firearms, and Explosives). We’ve had those problems in the past, there is a black market for commercial fireworks and we take those violations seriously. We will call the ATF&E in to assist us with those violations. Outside of that, I’m willing to entertain any questions you may have.”

Chairman Parks said, “Commissioner Welshimer.”

Commissioner Welshimer said, “Did you say it was illegal to possess the fireworks?”

Mr. Millspaugh said, “Yes, illegal to even possess the fireworks.”

Commissioner Welshimer So if you buy them, bring them home, you’re going to take them to the country or somewhere, that’s illegal?”

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Mr. Millspaugh said, “Yeah. Just as an example, if you buy fireworks in Derby and drive to Clearwater, you’ve violated Sedgwick County law, because you have possessed them in unincorporated areas of Sedgwick County. We’re not going to sit there and wait for people to drive through and check their cars for fireworks, no.”

Commissioner Welshimer said, “Also, and they can only shoot six feet high?”

Mr. Millspaugh said, “That’s just only in the City of Wichita that that rule applies.”

Commissioner Welshimer said, “I don’t know that I’ve seen one in Wichita that was less than six feet.”

Mr. Millspaugh said, “That’s a good point. I don’t know that I have seen a square mile in the unincorporated areas of Sedgwick County during the 4th of July that didn’t have fireworks going off in it. It’s happening whether we like it or not, but people are shooting fireworks. A lot of it is lack of education. Some of it is just willful; I’m going to shoot fireworks.”

Commissioner Welshimer said, “Okay.”

Chairman Parks said, “You think a lot of times when people in the city say, well, I’m going to the country to do this, when we have the most strict rules in fact on this, and there are some reasons for that, if you want to elaborate on some of those reasons why we do that.”

Mr. Millspaugh said, “Fireworks in Sedgwick County were made illegal in about 1979, I think, was the first year that they illegalized fireworks. The history on that, 1978 was a horrible year. We lost a lot of property, lost some fire trucks, I believe that is even the year that we may have lost a firefighter in an accident on July 4th. It was just a horrible year and I think it was an easy decision to say fireworks are illegal. At that time the State of Kansas had skyrockets and bottle rockets as legal in the State of Kansas. Since that time, they have been made illegal in Kansas and, for the most part, we don’t see those types of devices going off. They’re still out there. They can buy them out of state or mail order them, but that was the reason that fireworks were made illegal many years ago. Not to mention the wheat crops, at that time, a lot of times didn’t get in until the fireworks were being shot. They’re getting wheat crops in, I believe, earlier than they used to because of the different hybrids that they’re using now.”

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Chairman Parks said, "Certainly there's still a danger in the agricultural area not only for that, but for brome fields that maybe haven't been cut yet, or prairie hay that hasn't been cut, and a lot of times farm animals in the agricultural business will be scared and run through fences and things like that. So there are a variety of reasons that, especially those fireworks that go off a long ways and whistle, and excite the farm animals, and then you may not be able to go to get your steak if they're afoot out there."

Mr. Millspaugh said, "Somebody else will have your steak."

Chairman Parks said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Tim, can you walk me through, in terms of what we experienced last year, in terms of, did anyone get hurt, did we have people getting arrested, if they were arrested, were they for violations of just shooting off fireworks or the commercial grade fireworks, someone was caught with that type of device, or can you kind of walk me through what we experienced in 2008?"

Mr. Millspaugh said, "In 2008, in the Fire District alone, we had, as far as I know, less than five fireworks related injuries in the Fire District. I should say that were reported. Most don't get reported, which is a good low number and we're happy with that. As far as fires, we had a low number of fires. Mostly were grass, feed and pasture type fires, which we expect to have that time of year any ways. Property damage was very minimal last year. 2008 was a good fireworks year. We experienced low numbers. We have in most years in the past. Within the last five years, though, we have had some major injuries, one did result in a fatality about four years ago in the north end of the County, but this was the use of commercial grade fireworks, not consumer grade fireworks. The issue we had in Garden Plain four or five years ago where we had 12 injuries because of one explosion that was a homemade setup at a party in the City of Garden Plain. Not legal, not sanctioned by anybody, and it exploded on the ground where it should have exploded in the air. Those were the last serious things we have had happen in Sedgwick County in the Fire District."

Commissioner Peterjohn said, "Well the other thing I'd ask, and it's not far for a lot of folks in Sedgwick County to leave and go into any of the other surrounding counties, and I was curious in terms of the availability that's there beyond, where if most of them operate just under whatever the State allows, or if there are some restrictions, and how they compare to what we have with 20 municipalities in Sedgwick County with rules that are established here."

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Mr. Millspaugh said, "To the best of my knowledge, the counties that border Sedgwick County, Butler, Harvey, Sumner, Reno, Kingman, they all allow fireworks to be sold to the best of my knowledge, that fall underneath the State statute. That's underneath the State rules."

Commissioner Peterjohn said, "So it's the same thing, shoot them where you buy them."

Mr. Millspaugh said, "Shoot them where you buy them, yes."

Commissioner Peterjohn said, "Then people will be safe and not have a problem in terms of getting in trouble on the legal side."

Mr. Millspaugh said, "As far as the legal side goes, yes."

Commissioner Peterjohn said, "Okay. Well, obviously, we don't want anybody to be hurt. I guess one question, I know we're still about a week out from the 4th of July, but we've had a very wet spring, but at the moment, it's really hot, really drying out really quickly. Where do we stand with burn bans, and where are we likely to be with burn bans as of the 4th of July next week?"

Mr. Millspaugh said, "I don't anticipate any burn bans being needed. We're going to see a lot of stubble fields and even standing wheat fields being burned that the crop is no good in within the next three to four weeks, but burn bans, no. Our pasture land and all of the wild land type grass is green and not really very combustible at this point."

Commissioner Peterjohn said, "Okay. Thank you."

Chairman Parks said, "I'd like to thank you for that presentation. I know that safety is of paramount concern with the Sedgwick County Fire Department and I do appreciate your education to the public and the engineering, if you will, of the areas where you shoot them where you buy them, and hopefully we can have great enforcement out there of those areas that are being violated. Having said that, I'll offer up anything else you might have for the Fire Agenda today."

Mr. Millspaugh said, "I guess another area I do need to mention and that's the Crestview area, just for the education of the public. Fireworks are illegal in the Crestview area as well. I should have included them with the Bel Aire and the Oaklawn area but Crestview is also illegal."

Chairman Parks said, "That will be amended on the internet map also?"

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Mr. Millspaugh said, "It does show Crestview as a red area on the map now."

Chairman Parks said, "Oh, okay."

Mr. Millspaugh said, "I just didn't point them out as a larger community."

Chairman Parks said, "Okay. Very well."

Mr. Millspaugh said, "Okay, thank you."

Chairman Parks said, "Thank you very much. Any other business to be brought before the Fire District? If not, a motion to adjourn."

MOTION

Commissioner Peterjohn moved to adjourn the Fire District meeting.

Commissioner Welshimer seconded the motion.

There was no discussion on the motion, the vote was called.

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

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There being no other business to come before the Board, the Meeting was adjourned at 11:26 a.m.

**BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS**

KELLY PARKS, Chairman,
Fourth District

TIM R. NORTON, Commissioner,
Second District

DAVID M. UNRUH, Commissioner,
First District

KARL PETERJOHN, Commissioner,
Third District

GWEN WELSHIMER, Commissioner,
Fifth District

ATTEST:

Kelly B. Arnold, County Clerk

APPROVED:

July 22, 2009