



**February 10, 2023**

Dear Fireworks Vendor;

Thank you for working with the City of Derby in the past as a holder of a fireworks stand permit. A copy of Chapter 5.36 of our municipal code outlining the sale of fireworks is enclosed along with the following documents:

- Fireworks permit application form
- Derby Fire Code Requirements letter
- Canopy or Tent application and guidelines
- Derby Planning & Engineering zoning instructions letter
- Temporary Use permit application form
- Temporary Sign permit application

The entire municipal code, including types of banned fireworks, can be viewed online at [www.derbyks.com](http://www.derbyks.com).

The deadline for the submittal of a permit is May 15th. After that date, there will be an additional \$1,000 charge.

There is also a \$25 fee for a temporary use permit. All permits are issued based upon approval by the Zoning Administrator and the Derby Fire Chief.

If you have further questions please feel free to contact me at (316) 788-1519.

Sincerely,

A handwritten signature in blue ink that reads "Tricia Flynn". The signature is written in a cursive, flowing style.

**Tricia Flynn**  
**Building Trades Administrative Assistant**

## Chapter 5.36 FIREWORKS

### Sections:

#### 5.36.010 Sale of fireworks—Permit and fee.

- A. No fireworks shall be offered for sale within the city by any person or firm unless a permit therefor has been issued by the city. Any person seeking to sell fireworks within the city may apply to the city clerk for a permit therefor by completing a form provided by the city clerk for that purpose. Each application shall include a certification by the city's zoning administrator that the location for which application is made conforms to the city's zoning ordinance. Applications shall be submitted on or before May 15 of the year for which the permit is sought; provided, that upon request and for good cause shown the city manager may extend the time for submission of applications.
- B. Each application for a permit to sell fireworks within the city shall be accompanied by a permit fee in the amount of eight thousand dollars, provided that such permit fee shall be in addition to any other fees or charges imposed by city ordinance, including, but not limited to temporary use fees. A one-thousand-dollar surcharge shall be added to the permit fee for each application received after May 15. The permit fee, together with any surcharge, shall be refunded in the event a permit is not issued.
- C. Each applicant shall obtain and maintain in force throughout the term of the permit policies of product liability insurance and general liability insurance with minimum coverage of one million dollars per occurrence/two million dollars aggregate, and naming the city as an additional insured. The applicant shall furnish proof of the required insurance prior to commencement of operations under the permit.
- D. Any permit issued hereunder is subject to suspension or revocation by the fire chief in the event he or she finds that the permittee has violated any provision of city ordinance relating to public health or safety, provided that any permittee whose permit is revoked or suspended for more than three days may appeal such enforcement action by filing notice thereof with the city clerk. Such appeal shall be heard by the city council at the next regular meeting scheduled five or more days following the filing of the appeal, and a decision thereon shall not be unreasonably delayed.
- E. Of the proceeds of permits issued pursuant to this chapter in any year:
  1. A portion shall be budgeted to provide printed information explaining fireworks rules and regulations, such information to be distributed in city utility bills and provided free of charge to all permittees for distribution to retail fireworks customers as provided in Section 5.36.090 of this chapter.
  2. Twelve thousand dollars shall be allocated to wholly or partially underwrite the cost of a public fireworks display approved by the city manager and staged annually in conjunction with celebration of Independence Day; provided that for 2020 and subsequent years such twelve thousand-dollar limitation shall be increased annually by five percent.
  3. Any remainder shall be deposited in the general fund to be used for community enhancement.

(Ord. No. 2020, § 1, 5-11-10; Ord. No. 2072, § 1, 6-14-11; Ord. No. 2112, § 1, 6-12-12; Ord. No. 2245, § 1, 9-22-15; Ord. No. 2387, § 1, 7-9-19)

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**5.36.020 Sales and use of fireworks—Time and date limitations.**

No fireworks shall be sold, discharged, ignited or otherwise used within the city except as provided in this section. Days and times authorized for sale, discharge, ignition and use of fireworks shall be as follows:

Days	Times
June 27—July 2 (inclusive)	8 a.m.—10 p.m. sales and discharge
July 3 and 4	8 a.m.—12 a.m. midnight discharge/11 p.m. sales
July 5	8 a.m.—10 p.m. sales and discharge

(Ord. No. 2020, § 1, 5-11-10)

**5.36.030 Bottle rockets—Sale or use prohibited—Exceptions.**

- A. Except as provided in subsection C of this section:
  - 1. It is unlawful to sell, offer to sell, or to possess with intent to sell or offer for sale a bottle rocket; and
  - 2. It is unlawful to ignite, fire, set-off or otherwise use a bottle rocket.
- B. Any person violating the provisions of subsection A of this section shall be guilty of an unclassified misdemeanor punishable by a fine of not more than one hundred dollars.
- C. The provisions of this section shall not prohibit the possession or transportation of bottle rockets by a manufacturer or wholesaler thereof for sale outside this state if such manufacturer or wholesaler is currently registered with the state fire marshal pursuant to K.S.A. 31-501.
- D. As used in this section, "bottle rocket" means any pyrotechnic device which:
  - 1. Is classified as a Class C explosive by the United States Department of Transportation under 49 C.F.R. 173.100 (1977);
  - 2. Is mounted on a stick or wire; and
  - 3. Projects into the air when ignited, with or without reports, and includes any device with the same configuration, with or without reports, which may be classified as a pipe or trough rocket. "Bottle rocket" does not include helicopter-type rockets.

(Ord. 1756 § 4, 2002)

(Ord. No. 2188, § 1, 2-11-14)

**5.36.035 Aerial luminaries—Sale or use prohibited.**

- A. Aerial Luminary. Commonly known as a sky lantern or a floating lantern, an aerial luminary refers to airborne paper objects containing a device for fuel that heats air from the inside causing it to rise into the air and remain airborne until extinguished, or any other unmanned free floating device which includes a flame or other heating device to heat air as a lifting mechanism.
  - 1. It is unlawful to sell, offer to sell, or to possess with intent to sell or offer for sale an aerial luminary; and
  - 2. It is unlawful to ignite, fire, set-off or otherwise use an aerial luminary.

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B. Any person violating the provisions of subsection A. of this section shall be guilty of an unclassified misdemeanor punishable by a fine of not more than one hundred dollars.

(Ord. No. 2188, § 2, 2-11-14)

### **5.36.040 Exceptions.**

Nothing in this chapter shall be construed as applying to toy smoke devices defined as smoke balls, or tubes containing a pyrotechnic mixture which upon ignition produces a visible cloud of colored smoke (white and black smokes are considered colored); or to toy paper caps containing not more than twenty-five hundredths of a grain of explosive composition per cap, and to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation, not applying to the military or naval forces of the United States or of this state, or to peace officers, nor as prohibiting the sale or use of blank cartridges for ceremonial or theatrical or athletic events, nor as prohibiting the firing of sky rockets or missiles when produced by a science class of any school and when under supervision of the science instructor and when the place and time of firing the sky rockets or missiles has been approved by the fire chief.

(Ord. 1756 § 5, 2002)

### **5.36.050 Storage.**

Fireworks to be sold at wholesale shall be stored in a room set aside for the storage of fireworks only. Over the entrance to this room shall be posted a sign reading, "FIREWORKS—NO SMOKING—KEEP OPEN FLAMES AWAY."

(Ord. 1756 § 6, 2002)

### **5.36.060 Near flammable materials.**

Fireworks shall not be sold or kept for sale in a place of business where paints, oils, varnishes, turpentine or gasoline or other flammable substances are kept in unbroken containers, unless in a separate and distinct section or department of the store.

(Ord. 1756 § 7, 2002)

### **5.36.070 Fire extinguishers required.**

Two approved Class 2A fire extinguishers must be provided and kept in close proximity to the stock of fireworks in all buildings where fireworks are sold. Small stands under three hundred sq. ft., temporarily erected to be used as a place for storing and selling fireworks only, shall have one Class 2A fire extinguisher.

(Ord. 1930 § 3, 2008)

### **5.36.080 Temporary retail stands.**

No person, firm or corporation shall sell fireworks at temporary retail stands or other locations, or deliver retail fireworks purchased by mail order, before the twenty-seventh day of June or after the fifth day of July.

(Ord. 1930 § 4, 2008)

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### **5.36.090 Display of fireworks—Distribution of brochure.**

- A. All retailers are forbidden to expose fireworks where the sun shines through glass on the merchandise displayed, except where such fireworks are in the original package, and all fireworks kept for sale on front counters must remain in original packages, except where an attendant is on constant duty at all times at counters where such fireworks are on display; provided, that fireworks in open stock may be kept in show cases or counters out of reach of the public without an attendant being on duty. Signs reading, "FIREWORKS FOR SALE—NO SMOKING ALLOWED," and displaying the permissible hours for discharge of fireworks shall be displayed in the section of the store set aside for the sale of fireworks.
- B. All retailers shall, at the time of sale, give one copy of the city's informational brochure explaining fireworks rules and regulations to each customer purchasing fireworks from such retailer.

(Ord. 1930 § 5, 2008)

### **5.36.100 Permitted.**

All pyrotechnic devices classified and labeled as Class C fireworks (common fireworks) by the United States Department of Transportation or Interstate Commerce Commission, under 49 C.F.R. 173.100 (1977), may be sold, manufactured, possessed, transported or otherwise permitted for use in Kansas unless specifically prohibited by law. Prohibited devices may be used for public display purposes as provided for in K.A.R. 22-6-10 and may be possessed and transported by wholesalers and manufacturers for ultimate disposition outside the state.

(Ord. 1756 § 11, 2002)

### **5.36.110 Reserved.**

Editor's note(s)—Ord. No. 1969, § 2, adopted December 9, 2008, repealed § 5.36.110, which pertained to near gasoline pumps. and derived from Ord. No. 1930, 2008.

### **5.36.120 Storage, sale and discharge of fireworks prohibited in certain locations.**

- A. No person shall sell, store, keep or discharge fireworks:
  - 1. Within one hundred 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, except in stores where cleaners, paints, and oils are stored in sealed containers only; or
  - 2. Within fifty feet of an inhabited commercial or industrial structure.
- B. No person shall sell fireworks, or keep or store fireworks for the purpose of sale, within one hundred feet of a residence.
- C. Unless expressly authorized by the city, no person shall discharge fireworks:
  - 1. Within one hundred feet of any retail fireworks stand or facility where fireworks are stored;
  - 2. On any publicly owned property;
  - 3. On any state highway or street designated by the city as an arterial or collector street;
  - 4. From, into, out of, on, under or in the direction of a car or other vehicle, whether moving or stationary; or
  - 5. In a manner which interferes with the flow of vehicular or pedestrian traffic on a public street.

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(Ord. No. 1969, § 1, 12-9-08)

Editor's note(s)—Ord. No. 1969, § 2, adopted December 9, 2008, repealed the former § 5.36.120, and enacted a new § 5.36.120 as set out herein. The former § 5.36.120 pertained to the discharge of fireworks prohibited in certain locations and derived from Ord. No. 1930, 2008.

**5.36.130 Violation.**

Violation of any provisions of this chapter for which another penalty is not specifically provided shall be a Class C violation.

(Ord. 1756 § 14, 2002)



611 Mulberry Road, Suite 300  
 Derby, KS 67037  
 Phone 316-788-6632  
 Email: [permits@derbyweb.com](mailto:permits@derbyweb.com)  
[www.derbyks.com](http://www.derbyks.com)

**Application for  
 FIREWORKS SALES PERMIT**

**Permit fee of \$8,000 per fireworks stand must be submitted with application.**  
 Submittal Deadline is May 15<sup>th</sup>. An additional \$1,000 will be charged after May 15<sup>th</sup>.

**Date:** \_\_\_\_\_ **Permit #** \_\_\_\_\_

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

**Business Address:** \_\_\_\_\_

**Phone #** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Group or Organization Represented:** \_\_\_\_\_

**Contact Name:** \_\_\_\_\_ **Phone #** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Address of Fireworks Stand:** \_\_\_\_\_

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

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

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

**THE FOLLOWING INFORMATION MUST BE PROVIDED WITH APPLICATION:**

Kansas Sales Tax Certificate

Certificate of Insurance listing the City of Derby as an additional insured.

Kansas Fire Marshall Fireworks Distributer Consumer Fireworks Permit

Tent Sq. Ft. \_\_\_\_\_ # of Employees \_\_\_\_\_

**CERTIFICATION**

1. I hereby certify that the information given herein is correct and that I will comply with the regulations and requirements of this application. I understand that a permit issued based on false statements, which are material to the issuance of this permit, shall make any issued permit null and void.

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

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

\_\_\_\_\_  APPROVED  DENIED \_\_\_\_\_  
 Zoning Administrator Date

\_\_\_\_\_  APPROVED  DENIED \_\_\_\_\_  
 Fire Code Official Date



Application for
TENT OR CANOPY PERMIT



611 Mulberry Road, Suite 300
Derby, KS 67037
Phone 316-788-6632
Email: permits@derbyweb.com
www.derbyks.com

Fire Station #81 · 715 E. Madison Ave. · 788-3773
Fire Station #82 · 1401 N. Rock Rd. · 788-5819

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

Structure set up date: \_\_\_\_\_ Structure dismantle date: \_\_\_\_\_

Address where structure will be erected: \_\_\_\_\_

Location on property where structure is being erected: \_\_\_\_\_

Property Owner: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

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

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

Local Contact Person: \_\_\_\_\_ Cell Phone #: \_\_\_\_\_

E-mail: \_\_\_\_\_

STRUCTURE INFORMATION

Structure Dimensions: \_\_\_ (ft) by \_\_\_ (ft) = Total Square Feet: \_\_\_\_\_

Structure Height: \_\_\_\_\_ Flame Resistance Certificate Attached? YES / NO

Intended use of Structure: \_\_\_\_\_

The sale of merchandise, goods or materials require a Temporary Use Permit Application

Name of Vendor providing the Structure: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

Will there be any electrical, lighting, heating, or cooking equipment located inside the structure? If "yes" please explain: \_\_\_\_\_

I certify the above information is true to the best of my knowledge. I agree to install and use the tent or canopy in accordance with the City of Derby requirements. I further certify that I have read the requirements provided with this application.

Applicant signature: \_\_\_\_\_

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

E-mail: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

Fire Department Approval: \_\_\_\_\_

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



**DERBY FIRE AND RESCUE DEPARTMENT  
CANOPY OR TENT  
APPLICATION GUIDELINES**

Definitions:

Canopy. A structure constructed of fabric or a pliable material supported by any manner and is open without sidewalls or drops on 75 percent of the perimeter.

Tent. A structure constructed of fabric or pliable material supported by any manner and is enclosed with sidewalls or drops over 25 percent of the perimeter.

Guidelines:

1. The following tents or canopies do not require a permit; tents 400 square feet or less, canopies 400 square feet or less, tents used exclusively for camping purposes.
2. If the proposed use of the structure includes occupancy of 50 or more people, a detailed site plan and floor plan is required to accompany the application. This plan must show:
  - required exits
  - seating arrangement
  - location of any electrical, lighting, heating or cooking equipment
3. Tents over 400 square feet must have 2 exits that are readily distinguishable. The exits are required to be at least 72 inches wide and must remain open during operating hours regardless of weather conditions.
4. Tents and canopies are to be located 20 feet away from all lot lines, buildings, other tents or canopies.
5. Two fire extinguishers with a minimum rating of 2A10BC must be clearly visible.
6. Trash shall not be allowed to accumulate. Trash dumpsters must be at least 20 ft. away from the tent, support ropes or guy wires.
7. A 30-foot area around the tent or canopy must be maintained clear of vegetation and combustible material. Grass shall be mowed short in this area.
8. No parking within 20 feet of the tent, support ropes or guy wires. Parking areas, support ropes or guy wires shall be clearly represented by the use of cones, fencing or any material that is durable and clearly recognizable for its purpose.
9. Combustible material such as hay, straw or shavings shall not be located inside any tent or canopy except the materials necessary for the daily feeding or care of animals.
10. Smoking is prohibited and "No Smoking" signs shall be posted.
11. Open or exposed flame, fire, flammable liquid, gas, charcoal, or cooking devices shall not be permitted inside or within 20 feet of the tent or canopy unless approved by a fire department representative.
12. Structures must be completely set up with ALL signage, exits clearly marked, and fire extinguishers in place and inspected by a Fire Department representative before the structure can be occupied and used for its intended use.
13. Applications will not be accepted without a current copy of the "flame resistance certificate" for the specific tent or canopy and a site plan and floor plan drawing. The serial number on the tent/canopy must match the serial number on the certificate and the certificate must be legible. If serial numbers do not match, the tent may be required to be dismantled and removed.



February 10, 2023

Dear Fireworks Vendor:

Derby wishes you great success in your fireworks sales this year. We recognize that temporary signs, flags and decorations are common tools used to advertise locations of fireworks tents and products. As you or your volunteers are preparing to set up tents and signs, please keep the following in mind, and advise any participating persons of the same:

- **Call 811 to have underground utilities on site marked prior to placing any tent poles, stakes or temporary signs.**
- Off-site advertising signs are not allowed.
- Illuminated and/or LED signs are not allowed.
- On-site temporary signs for fireworks stands are **limited to not more than two (2) signs with a combined square footage of 32 square feet or less.** (Signs permanently painted or affixed to tents, vehicles or trailers are not included in the square footage calculation.)
- Flags, streamers, ribbons or other decorations may be used in addition to the 32 square feet of signs. Any of the above-mentioned devices containing text or graphics of a commercial nature will be calculated towards the maximum 32 square feet limitation.
- Temporary signs placed in the street right-of-way must be three (3) square feet or less and must be placed a minimum of eight (8) feet from the curb of the street.
- Temporary signs cannot be attached to utility poles, trees, fences or other objects not intended to display signs.
- No temporary signs shall be placed or located so as to reduce sight distances at intersections or otherwise create a hazard to life or safety.
- Balloon and inflatable signs are permitted for a period not to exceed 10 days.
- A Temporary Sign Permit is required.

Please be aware that temporary signs not complying with the above regulations may be removed by a Code Enforcement Officer and can be retrieved at Derby City Hall for a cost of \$5 per sign. The Code Enforcement Officer may also require you to remove or relocate signs to come into compliance with applicable regulations.

Thank you in advance for adhering to these regulations. If you have questions about temporary signs, please contact Brent Lichti, Code Enforcement Officer, at (316) 788-0301, Ext. 4109, (316) 734-4259 Cell, or via email at [brentlichti@derbyweb.com](mailto:brentlichti@derbyweb.com).

**Everett Haynes**

**Assistant City Planner**

P: (316) 788-6632 Ext. 1230

E: [everetthaynes@derbyweb.com](mailto:everetthaynes@derbyweb.com)



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**Application for  
 TEMPORARY USE**

**A DRAWING MUST BE ATTACHED PRIOR TO ACCEPTANCE OF APPLICATION  
 A COPY OF THE PERMIT MUST BE KEPT ON SITE AT ALL TIMES.**

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

**FEE: \$25.00\*\***

**CONTACT INFORMATION**

*\*\*An Inspection Fee Of \$35.00 Applies to  
 Tents/Temporary Membrane Structures More Than 400 Square Feet*

**Applicant Name:** \_\_\_\_\_

**Address of Applicant:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Address of Proposed Temporary Use:** \_\_\_\_\_

**Name of Current Property Owner/Representative:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**TEMPORARY USE INFORMATION**

**Dates of Proposed Temporary Use:** \_\_\_\_\_

**Total Tent/Temporary Membrane Structure Square Footage (Fireworks Tents Excluded):** \_\_\_\_\_

**Type of Temporary Use for B-3, B-4 And B-5 Zoning Districts:**

- Christmas Tree/Firework/Pumpkin or Similar (30 Days Maximum)
- Promotional Activity or Retail Merchants (14 Days Maximum)
- Recycling Center (10 Days Maximum)
- Temporary Sales (60 Days Maximum During Any Consecutive 12-Month Period)
- Display of Living Plants: March 1-June 30 (90 Days Maximum) & August 15-November 15 (60 Days Maximum)
- Carnival, Circus, Music Festival, Community Celebration (Allowed in Any Zoning District, with Conditions)
- Portable Storage Containers for On-Site Storage (Twice During Any Consecutive 12-Month Period for No Longer Than 90 Days During the Same Period. See Article 601.A.10.d for additional restrictions)

**THE FOLLOWING INFORMATION SHALL BE PROVIDED:**

- A drawing which depicts the perimeter of the property (plot plan) and which locates where on the zoning lot the temporary use is proposed to be placed.
- If vehicular parking spaces are proposed to be used as the area for the temporary use, a statement regarding the number of spaces that will remain available to meet the minimum number of off-street parking spaces required by Section 501 of the Zoning Regulations shall be submitted.
- Proposed Sq. Foot of Temporary Use Area: \_\_\_\_\_ sq. ft.
- Tents and Canopies Require a Derby Fire and Rescue Tent / Canopy Permit Application.
- Number and Square Footage of Signage (Shall not exceed two signs with a combined maximum area of 32 sq. ft.):  
 Number of Signs (Two Maximum): \_\_\_\_\_  
 Total Square Footage (32 sq. ft. Maximum): \_\_\_\_\_ sq. ft.





611 N. Mulberry Road, Suite 300  
 Derby, KS 67037  
 Phone (316) 788-6632  
 Email: permits@derbyweb.com  
 www.derbyks.com

APPLICATION FOR:  
**TEMPORARY SIGN PERMIT**

This permit is required for all temporary signs including but not limited to marketing, promotional events, flag signs, banners, feather signs, and other temporary signs that are greater than 3 sq. ft. Inflatable, balloon, snipe, air/wind generated signs are prohibited. **NO SIGN(S) ARE ALLOWED IN K-15 HIGHWAY STATE RIGHT-OF-WAY**

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

FEE \$25.00

**CONTACT INFORMATION:**

Address of Proposed Sign: \_\_\_\_\_

Name of Business Requesting the Sign: \_\_\_\_\_

Applicant's Name: \_\_\_\_\_

Applicant's Address: \_\_\_\_\_

Applicant's Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Property/Business Owner Name: \_\_\_\_\_

Property/Business Owner Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**REQUIREMENTS**

1. All signs must be placed a minimum of 8 ft. from the back of street curbs.
2. Temporary signs on nonresidential properties are limited to one, 32 sq. ft. or less on-site sign. Said sign may be displayed for a maximum of 30 days from the permit issuance date and shall not be displayed for more than a total of 180 days in a calendar year with an intervening period of at least 30 days during which the sign is not displayed.
3. Off-site commercial signage is prohibited.

**TEMPORARY SIGN INFORMATION:**

Description indicating where the sign(s) will be located (freestanding, on poles, an existing wall, from a canopy, etc.) on the site and/or off-site where applicable. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**\*See Section 705 of the Zoning Regulations for Temporary Sign Requirements and Restrictions (Attached)\***

Total Number of Sign(s): \_\_\_\_\_ (One Sign Per Street Frontage Permitted)

Height to Top of Sign: \_\_\_\_\_ Height to Bottom of Sign: \_\_\_\_\_

Sign Dimensions: \_\_\_\_\_ High x \_\_\_\_\_ Wide x \_\_\_\_\_ Deep

Total Gross Surface of Sign: \_\_\_\_\_ sq. ft. (Maximum Size is 32 sq. ft.)

Sign is:  Single Sided  Double Sided

Displayed from: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ to \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ = \_\_\_\_\_ Days (30 Days Max)  
Month Day Year Month Day Year

**CERTIFICATION**

1. I hereby certify that the information given herein is correct and that I will comply with the zoning regulations and requirements of this application. I understand that a permit issued based on false statements, which are material to the issuance of this permit, shall make any issued permit null and void. Issued permits and/or certifications do not nullify any deed restrictions or restrictive covenants filed of record.
2. I have read and acknowledge the restrictions and requirements of temporary signs as written in Article 705 of the Derby Zoning Regulations (see attached document).

3. I acknowledge that if this permit is denied, the City will retain the \$25.00 issuance fee for administrative purposes.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

<b><u>OFFICIAL USE ONLY</u></b>	
Required Documents: <input type="checkbox"/> Fee	
Permit Status: APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/>	
Reviewed By: _____	_____
City Planner or Authorized Agent	Permit Issue Date
Notes/Conditions: _____	
_____	
_____	
Permit Return Method: <input type="checkbox"/> Email Permit <input type="checkbox"/> Mail (USPS) <input type="checkbox"/> Pick-Up (Call Applicant)	

## 705 TEMPORARY SIGNS (From the Derby Zoning Regulations)

- A. Reasonable regulations for the posting of temporary signs are necessary to ensure that temporary signs do not become a threat to public safety as a traffic hazard and to protect aesthetic values and visual enhancement of the community by eliminating visual clutter and preventing the overconcentration of signage.
- B. Temporary signs shall be subject to the following regulations, in addition to any other regulations of this article:
  1. Temporary signs, generally:
    - a. Placement of temporary signs on private property shall require the consent of the property owner. Placement of temporary signs on right-of-way shall require consent of the abutting property owner.
    - b. Temporary signs shall not be illuminated in any manner.
    - c. Temporary signs placed in conjunction with an event shall be removed within 72 hours of the conclusion of the event. Temporary signs remaining after 72 hours from the conclusion of the event may be removed by the Zoning Administrator or designee.
    - d. Temporary signs shall be constructed of materials and installed in a manner capable of withstanding the forces of wind, rain and other atmospheric conditions.
    - e. Temporary signs which are or become damaged, tattered or unreadable may be removed by the Zoning Administrator or designee.
    - f. Nothing in this section shall be construed to allow off-site commercial signs.
    - g. Excepted as noted in these regulations temporary signage shall not require a permit.
  2. Temporary signs on private residential property:
    - a. Two (2) temporary signs which are six (6) square feet or less may be displayed on private residential property for a period not to exceed forty-five (45) consecutive days and a total of one-hundred-eighty (180) days in a calendar year with an intervening period of at least 30 days during which the sign is not displayed.
    - b. One (1) additional temporary sign not exceeding six (6) square feet may be displayed on private residential property for the purpose of advertising events which may commonly occur in a residential zoning district, such as, but not limited to garage sales, estates sales, construction or remodel activities, and yard maintenance activities. Said sign may be placed up to three (3) days prior to the event and must be removed at the conclusion of the event or at the time the contractor leaves the site.
  3. Temporary signs on nonresidential property:
    - a. One (1) on-site temporary sign which is thirty-two (32) square feet or less may be displayed on nonresidential property upon issuance of a permit in accordance with Section 702. Said temporary sign may be displayed for a maximum of thirty (30) days from the date a permit is issued and shall not be displayed for more than a total of one-hundred-eighty (180) days in a calendar year with an intervening period of at least 30 days during which the sign is not displayed.
    - b. One (1) temporary sign which is forty-eight (48) square feet or less may be displayed on nonresidential property that is currently being offered for sale, lease, or currently under construction or undergoing renovation(s) upon

issuance of a permit in accordance with Section 702. Said temporary sign shall be removed once the property is sold, leased, or after construction or renovation activities are completed.

- c. Temporary signage in an amount not to exceed one (1) percent of the square footage of the zoning lot, with no individual temporary sign larger than eighteen (18) square feet. Such signs must be posted within a permanent frame or other similar device intended for the display of a temporary sign and shall not be snipe signs. Such signs may be continuously displayed but shall be made of non-durable material installed in a permanent frame or other similar device.
  - d. Temporary signs located on nonresidential property may display messages of a commercial or non-commercial nature, provided that temporary signs meeting the definition of "off-site sign" as defined in this article are not permitted.
4. Temporary signs in the public right-of-way:
- a. Temporary signs in the public right-of-way may be displayed for a period not to exceed 45 consecutive days and a total of 180 days in a calendar year with an intervening period of at least 30 days during which the sign is not displayed.
  - b. No more than one (1) temporary sign in the public right-of-way per fifty (50) linear feet of lot frontage, or fraction thereof, shall be permitted.
  - c. Temporary signs greater than three (3) square feet shall not be placed in the public right-of-way without obtaining a permit for such placement in accordance with Section 702.
  - d. Temporary signs which are three (3) square feet or less may be placed in the public right-of-way without the need for a permit.
  - e. Temporary signs allowed in the public right-of-way shall be set back a minimum of eight (8) feet from the curb of any street, or as specified for the placement approved as part of a permit issued in accordance with Section 702 of these regulations.
  - f. No temporary signs shall be permitted in K-15 Highway right-of-way.
5. For the limited purpose of complying with the provisions of K.S.A 25-2711 and as a narrow exception to the rules otherwise stated in this Section 705, the general provisions of Section 705 shall not limit the number of political signs on private property or the unpaved city right-of-way during the 45-day period prior to any election and the two-day period following any election.
- a. For the protection of the public health, safety, and welfare and the preservation of traffic sight lines, the size and setback provisions of the regulations found in Section 705 shall continue to apply during the 45-day period prior to any election and the two-day period following any election.
  - b. The K-15 Highway right-of-way is controlled by the State of Kansas and the narrow exceptions to the general rules of this Section 705 found in this subsection 5 do not apply to the K-15 Highway right-of-way.
  - c. In the event that K.S.A. 25-2711 is repealed by the Kansas Legislature, the provisions of this Section 705.B.5 shall be void and all remaining provisions of Section 705 which apply to all temporary signs will equally apply to the placement of political signs on private property and in the unpaved city right-of-way during the 45-day period prior to any election and the two-day period following any election.