

Chapter 235

FIREWORKS

Section 235.010. Legislative Intent. [Ord. No. 1226 §1, 8-13-2013]

It is hereby declared to be the intent of the Board of Aldermen, in the exercise of its police powers to protect the public health, safety and welfare, to regulate the use, sale and public display of fireworks.

Section 235.020. Administration. [Ord. No. 1226 §1, 8-13-2013]

This Chapter shall be administered by the City Clerk or his/her authorized representatives who shall take such action as may be reasonable and necessary to secure compliance therewith.

Section 235.030. Inspector. [Ord. No. 1226 §1, 8-13-2013]

The City Clerk, the City Building Inspector, or his/her authorized representative, shall inspect structures for the sale of fireworks and sites for public display of fireworks within the jurisdiction of the City to determine if said structure or site meets the requirements of the Chapter and to enforce the provisions of this Chapter.

Section 235.040. Definitions. [Ord. No. 1226 §1, 8-13-2013]

The following words shall have the meanings set out below when used in this Chapter:

COMMON FIREWORKS — Any small firework device designed primarily to produce visible effects by combustion and which must comply with the construction, chemical composition and labeling regulations of the United States Consumer Product Safety Commission, as set forth in Title 16, CFR, Part 1507, some devices containing fifty (50) mg or less of explosive composition, and aerial devices containing one hundred thirty (130) mg or less of explosive composition. Common fireworks are classified as Class "C" explosives by the United States Department of Transportation.

FIREWORKS — Any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration or detonation, and which meets the definition of "common or special fireworks" as set forth in the United States Department of Transportation (D.O.T.) Hazardous Materials Regulations, Title 49, Code of Federal Regulations, Parts 173.88 and 173.100.

Exceptions: Toy pistols, toy canes, toy guns, or other devices in which paper and/or plastic caps manufactured in accordance with D.O.T. Regulations, 49 CFR 173.100 (R) are not considered fireworks and shall be allowed to be sold at all times. Model rockets

and model rocket motors designed, sold and used for purposes of propelling recoverable aero models are not considered fireworks.

FIREWORKS STAND — Any structure which is permanent, used for the sale of common fireworks and offers for sale to the public only those fireworks which are lawful to offer for sale to the general public within the State of Missouri.

Section 235.050. Permit Required. [Ord. No. 1226 §1, 8-13-2013]

No person shall offer for sale or public display any fireworks or common fireworks without first securing a permit therefore from the City Clerk.

Section 235.060. Application for Permit for The Sale of Fireworks. [Ord. No. 1226 §1, 8-13-2013]

Any person, firm, or corporation desiring to secure a permit for the sale of fireworks shall make written application to the City Clerk on forms provided therefor, stating the name, address, state sales tax number, telephone number of the person requesting the permit and the address where the fireworks stand is to be located, together with such additional information concerning the site of the stand as may be reasonably required.

Section 235.070. Application for Permit for Public Display of Fireworks. [Ord. No. 1226 §1, 8-13-2013]

- A. Application for a permit to operate a display of fireworks in conformance with the terms of the National Fire Protection Association, Standard for Public Display of Fireworks, NFPA 1123, current edition, and of the general laws of the City of Mound City and the State of Missouri shall be made in writing on forms provided by the office of the City Clerk.
- B. Such application shall set forth:
 - 1. The name of the organization sponsoring the display, together with the names of persons actually in charge of the firing of the display.
 - 2. Evidence of financial responsibility.
 - 3. The date and time of day at which the display is to be held.
 - 4. A description setting forth the age, experience, and physical characteristics of persons who are to do the actual discharging of the fireworks.
 - 5. The number and kinds of fireworks to be discharged.
 - 6. The manner and place of storage of such fireworks prior to display.
 - 7. A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways and other lines of transportation, the lines behind which the audience will be restrained, and the location of all nearby trees, telegraph or telephone lines or other overhead obstructions.

- C. Upon receipt of such application, at least fifteen (15) days in advance of the date set for this display, the City Clerk or his/her authorized representative shall make or cause to be made, an investigation of the site of the proposed display for the purpose of determining whether the provisions of these regulations are complied with in the case of the particular display. He/she shall confer with the appropriate authorities about the application and whether issuance of a permit would be consistent with public safety. Being satisfied that the display is properly lawful, the City Clerk or his/her authorized representative shall endorse the application, stating that the display is in conformance with all parts of the law and these regulations. Failure to receive approval on said application shall be sufficient cause for the office of the City Clerk to deny the permit.
- D. The applicant, following endorsement by the City Clerk, shall provide the City Clerk with the required financial responsibility as required by ordinance. The City Clerk shall then collect the permit fee as set by resolution adopted by the Board of Aldermen, and issue a non-transferable permit authorizing the said public fireworks display.

Section 235.080. Issuance of Permit — Fee. [Ord. No. 1226 §1, 8-13-2013]

- A. The City Clerk shall issue a permit to any person who is in conformity with Section 235.060, Application for Permit for the Sale of Fireworks, or Section 235.070, Application for Permit for Public Displays of Fireworks, upon payment of the permit fee. Those applying for permits for the public display of fireworks or public sale of fireworks may be issued a permit contingent upon proof of financial responsibility in the following amounts:
 - 1. In any case, the insurance required by this Section shall insure the person, persons or organization holding a public display of fireworks against loss from the liability imposed by law for injury to, or death of any person, or damage to any property arising out of such a public display of fireworks to the amount of one hundred thousand dollars (\$100,000.00), exclusive of interest and costs, on account of injury to, or death of any one (1) person, and subject to the same limit as respects injury to or death of one (1) person, of five hundred thousand dollars (\$500,000.00) exclusive of interest and costs, on account of the any one (1) public display of fireworks, resulting in injury to or death of more than one (1) person, and of three hundred thousand dollars (\$300,000.00) for property damage to property of others resulting from the public display of fireworks as outlined by this Section.
 - 2. In any case, the insurance required under this Section shall insure the person(s) selling fireworks or displaying fireworks against loss from liability imposed by law for injury to, or death of any person, or damage to any property growing out of the sale or public display of fireworks to the amount or limit of one hundred thousand dollars (\$100,000.00), exclusive of interest and costs, on account of injury to, or death of any one (1) person, and subject to the same limit as respects injury to or death of more than one (1) person, of five hundred thousand dollars (\$500,000.00), exclusive of interest and costs,

on account of the sale of or public display of fireworks resulting in injury or death of more than one (1) person, and of three hundred thousand dollars (\$300,000.00) for damage to property of others resulting from the sale or public display of fireworks on any one (1) structure.

Section 235.090. Inspection of Site of Sale Or Site for Public Display of Fireworks. [Ord. No. 1226 §1, 8-13-2013]

Upon completion of the setup of a building for the public sale of fireworks, the permittee shall notify the City Clerk or his/her authorized representative who shall cause to be made an inspection of the site within forty-eight (48) hours of such notice, or as soon thereafter as practicable. The inspection of a site for the public display of fireworks shall be completed as outlined in Section 235.070.

Section 235.100. Regulations For Sites Offering Public Sale Of Fireworks. [Ord. No. 1226 §1, 8-13-2013]

- A. The following regulations shall be considered as minimum requirements and shall be upheld in all cases involving any site within the City of Mound City which offers fireworks for sale to the public.
1. All firework stands offering fireworks for sale to the public shall be permanent buildings or structures and shall offer for sale at such site or within such structure those fireworks as are lawful for sale to the general public by Missouri State law. Sale of fireworks is prohibited in freestanding or temporary structures, including but not limited to tents, semi-trailers, or other towable enclosures.
 2. Any fireworks stand shall be located a minimum of fifty (50) feet from any inhabited structure and fifty (50) feet from any public walk, street or thoroughfare. No fireworks stand shall be located within fifty (50) feet of any hospital, school, bulk storage of flammable liquids or flammable gases.
 3. No fireworks stand shall contain any more than five hundred (500) pounds of pyrotechnic material at any one time.
 4. All fireworks stands shall be kept clean, orderly, free of accumulation of dust or rubbish, dry and free of grit, paper, empty used packages and debris. Brooms and other cleaning utensils shall not have spark-producing metal parts. Sweepings from the structure shall be disposed of properly.
 5. The area surrounding the stand shall be kept clean of brush, dried vegetation, leaves and similar combustibles for a distance of at least twenty-five (25) feet.
 6. Smoking, matches, open flames, spark-producing devices and firearms shall not be permitted inside or within twenty-five (25) feet of any fireworks stand.
 7. Smoking shall not be permitted inside of or within twenty five (25) feet of any fireworks stand. Signs reading "Fireworks - No Smoking" in letters at least two (2) inches high shall be conspicuously posted.

8. All artificial lighting at a fireworks stand shall be electrically powered. A master electrical disconnect shall be provided at the point where the electrical service enters the structure; this master disconnect shall be arranged such that all electrical power to the structure is simultaneously interrupted when the disconnect is in the off position.
9. All openings to any fireworks stand shall be equipped with a means of locking.
10. All doors shall open outward and be free from any obstruction.

Section 235.110. Use of Fireworks Within City Limits. [Ord. No. 1226 §1, 8-13-2013]

- A. No person shall use or cause to be used any other common fireworks at any time except during the hours of 8:00 A.M. to 12:00 Midnight on each of the following days: July 2, 3, and 4.
- B. Any other use of fireworks or common fireworks, except such as outlined by this Chapter, shall be a direct violation of this Chapter.

Section 235.120. Violations and Penalties. [Ord. No. 1226 §1, 8-13-2013]

Any person, whether individually or as a member or employee of a partnership or as an officer, agent or employee of a corporation, who directs or knowingly permits any violation of any of the provisions of this Chapter, or who aids or assists therein, or who shall violate any prohibition or mandate of this Chapter, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed five hundred dollars (\$500.00) or be imprisoned in jail for not more than three (3) months, or both such fine and imprisonment. A separate offense shall be deemed committed upon each day during or upon which a person violates any provision of this Chapter.

Section 235.130. Schedule of Permit Fees. [Ord. No. 1226 §1, 8-13-2013]

The City Clerk shall charge a yearly fee of fifty dollars (\$50.00) for each fireworks stand that is subject to this Chapter. A fee of fifty dollars (\$50.00) shall be charged for each permit for public display of fireworks.