

# **City of Perryville Application Process for Consumer Fireworks Stand Temporary Permit**



**\*for stands within the  
Perryville city limits**

# City of Perryville, Missouri

## Instructions for

# CONSUMER FIREWORKS STAND

# PERMIT APPLICATION

### **READ THOROUGHLY BEFORE SUBMITTING APPLICATION**

These instructions are provided to aid applicants in completing the necessary application form and to advise them of required attachments and documentation needed for a consumer fireworks stand temporary permit within the City of Perryville.

**FAILURE TO SUBMIT ALL REQUIRED ITEMS WILL DELAY THE REVIEW PROCESS. THE TIME FOR REVIEW AND PROCESSING BEGINS WHEN ALL REQUIRED ITEMS HAVE BEEN SUBMITTED.**

### **APPLICABILITY**

The establishment of a temporary fireworks stand in the City of Perryville is subject to the review and approval of the Fire Marshal and Zoning Administrator.

### **STANDARDS**

**Sales Period.** The sale of fireworks, including the dates such sales are allowed, shall be from **June 20th to July 6th** in accordance with the City of Perryville Code of Ordinances [Section 8.06.080(a)].



**City of Perryville**  
**215 North West Street**  
**Perryville, MO 63775**  
**573-547-2594**

For Office Use Only:

Date Appl Rec'd: _____
Appl Fee Amount: _____
Receipt #: _____

**APPLICATION FOR CONSUMER FIREWORKS STAND  
 TEMPORARY PERMIT**

Application must be **completed and returned** to City Clerk's Office on or before June 5 and must be accompanied by a **non-refundable filing fee of \$250**. Make check payable to: **City of Perryville**. Once a permit is issued, fireworks facilities may operate from **June 20 to July 6** in accordance with Section 8.06.080 of the Code of Ordinances. If corrections must be made, final version shall be submitted no later than June 12.

Applicant Name:	Phone:
Address:	E-Mail:
Location of Stand:	Name of Stand:
Property Owner Name:	Property Owner Phone and E-Mail:
Stand Operator Name and Address:	Stand Operator Phone and E-Mail:

**Attach the following to this application:**

- Application fee of \$250
- Copy of permit issued by Missouri State Fire Marshal
- Legal Description of the property
- Written consent from owner of property, if applicable
- Site plan as specified in Application Process
- Certificate of Flame Resistance for tent being used
- Sales Tax Certificate
- Proof of Insurance
- Type of Solid Waste (Trash) Disposal Method  
(attach how trash will be disposed and by whom)

**Site Plan must include:** *(per Application Process form)*

- Name of fireworks facility
- Address of the proposed facility location
- Scale used in the drawing of the Site Plan
- Compass Direction (indicate North)
- Public roadways (include names of streets)
- Location and dimensions of tent
- Distance between tent and existing buildings
- Distance between tent and streets and property lines
- Location and layout of proposed parking spaces
- Location of proposed storage container, portable restroom and/or trash receptacles

**Applicant Certification**

- The information contained in this application is true and accurate to the best of my knowledge.
- I have read, am familiar with, and acknowledge receipt of the Code of Ordinances of the City of Perryville pertaining to fireworks.
- I understand that failure to comply with all regulations of the Perryville City Code may result in the suspension or revocation of a permit.

Applicant Signature:	Date:
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**For Office Use Only:**

Fire Department Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No   Date: _____	Code Enforcement Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No   Date: _____	City Clerk Office Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No   Date: _____
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# **APPLICATION PROCESS** **CONSUMER FIREWORKS STANDS**

## **STEP 1: Obtain an application**

Application will need to be obtained from the City Clerk's office. You may either obtain the application in person or online at: [www.cityofperryville.com](http://www.cityofperryville.com)

City of Perryville City Hall  
215 North West Street, Perryville, MO 63775  
573-547-2594

## **STEP 2: Select location for the retail fireworks stand**

- 1) Perryville's Zoning Ordinances do not allow consumer fireworks stands in residential zones.
- 2) No license shall be issued for any location where paints, oils, or varnishes are manufactured or kept for use or sale nor where resin, turpentine, gasoline, or other similar inflammable substances or any substance which may generate inflammable vapors is used, stored, or offered for sale or where the fire inspector shall determine that any condition exists which makes the storage or sale of fireworks at such location unusually hazardous.
- 3) No fireworks shall be stored, kept, sold, or discharged within:
  - 100ft of any gasoline pump, filling station, gasoline bulk station, or any building in which gasoline or volatile liquids are sold in quantities in excess of one (1) gallon.
  - 300ft away from any residential property line
  - 25ft away from any public right-of-way
  - 50ft away from any structure on the lot or adjoining lot
  - 20ft away from any commercial property line

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

- 1) It is the responsibility of the applicant to verify that the proposed location is in an area zoned for consumer fireworks stands. Please do not accept the word of the property owner as to the current zoning of the property. Rezoning of property occurs periodically and your proposed location may not be zoned to allow a consumer fireworks stand.
- 2) Contact City Zoning Administrator at 573-547-2594.

**STEP 4: Obtain property owner consent**

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 plan to be submitted with your application.**

Omission of required information may delay your application process or prevent your application from being approved.

The following items shall be included on the site plan:

- Name of the fireworks stand
  - Address of the proposed stand location
  - Scale
  - Compass direction
  - Public roadways surrounding or adjacent to the property
  - Names of public roadways
  - Location and name of any building / businesses located on the property
  - Proposed location of tent on the property
  - Dimensions of the tent being used
  - Distance between the tent and any existing buildings on the property
  - Distance between the tent and adjacent public streets and property lines
  - Proposed location and layout of parking spaces
  - Proposed location of any storage containers, portable restrooms and/or trash receptacles
- 1) The maximum stand size is 2400 square feet
  - 2) Tent anchoring shall meet the standards and requirements set forth by the tent manufacturer
  - 3) Stands located in commercial zoned areas, are to be 25 feet away from any public right-of-way, 50 feet from any structure on the lot or adjoining lot, 20 feet away from any commercial property line, and 300 feet from any residential property line.
  - 4) Stands are not to be located within 100 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.

**STEP 6: Obtain a photocopy of the “Certificate of Flame Resistance” of the tent being used.**

**STEP 7: Applications must be submitted to the City Clerk's Office in a timely manner, but no later than June 5**, to allow staff time to verify the application. The following information shall be attached to the application:

- 1) Application fee (non-refundable) in the amount of \$250.00.
- 2) Copy of permit issued by Missouri State Fire Marshal's Office
- 3) Legal Description of the property
- 4) Written consent from owner of property, if applicable
- 5) Site plan
- 6) "Certificate of Flame Resistance" for tent being used
- 7) Sales Tax Certificate
- 8) Proof of Insurance
- 9) How trash will be disposed and by whom

Omission of any required documents may delay your application review process or delay the issuance of your temporary use permit.

If corrections or modifications to the application are required by City staff, applicants will have until June 12<sup>th</sup> to submit the final version of their corrected or modified application.

# CONSUMER FIREWORKS STAND - APPLICATION CHECKLIST

- \_\_\_\_\_ Obtain application from City Clerk Office
- \_\_\_\_\_ Select properly zoned location
- \_\_\_\_\_ Verify current zoning of selected stand location
- \_\_\_\_\_ Obtain property owner's written consent, if necessary
  
- \_\_\_\_\_ Prepare **site plan**, and include the following details on the site plan:
  - \_\_\_\_\_ Name of the fireworks stand
  - \_\_\_\_\_ Address of the proposed stand location
  - \_\_\_\_\_ Scale used in the Drawing of Site Plan
  - \_\_\_\_\_ Compass direction (indicate North)
  - \_\_\_\_\_ Public roadways indicated on site plan
  - \_\_\_\_\_ Names of roadways on site plan
  - \_\_\_\_\_ Location of proposed tent indicated
  - \_\_\_\_\_ Dimensions of tent indicated
  - \_\_\_\_\_ Distances between tent and any existing building(s) on the same lot and adjoining property
  - \_\_\_\_\_ Distance between tent and adjacent public streets and adjacent property lines
  - \_\_\_\_\_ Location and layout of proposed parking spaces
  - \_\_\_\_\_ Location of any proposed storage container, portable restroom and/or trash receptacles
  
- \_\_\_\_\_ Read and understand all information on fireworks sales that has been provided to you by the City of Perryville
  
- \_\_\_\_\_ Application completed
  
- \_\_\_\_\_ Application Fee, non-refundable \$250 due at time of application submittal
  
- \_\_\_\_\_ All required documents attached to the application
  - Copy of permit issued by Missouri State Fire Marshal's Office
  - Legal description of the property
  - Site plan
  - Property owner's written consent, if necessary
  - Copy of the "Certificate of Flame Resistance"
  - Missouri Sales Tax Certificate
  - Certificate of Insurance (The permit holder for a consumer fireworks facility must carry and provide proof that it carries general liability insurance coverage written by a carrier authorized to do business in Missouri with coverage limits of no less than \$1,000,000.)
  
- \_\_\_\_\_ Application submitted in person or mailed to the City Clerk's Office before 5:00 p.m. on June 5. If mailed, it must be postmarked no later than June 5.

# Consumer Fireworks Stand

## APPLICATION REVIEW PHASE

This phase involves the review process of the completed and submitted application for a consumer fireworks stand and the site plan submitted with the application by both the Fire Department and Code Enforcement Officer.

The completed application, submitted initially to the City Clerk's Office, will be forwarded to the Fire Marshal (Perryville Fire Dept.), and the Code Enforcement Officer, for review, and finally returned back to the City Clerk's Office for issuance of a Consumer Fireworks Stand Temporary Permit **if the application shows all requirements have been met.**

Reviewing departments/divisions will review for the following information:

Perryville Fire Department:

- Review for all the required information on the site plan
- Review the distances between the fireworks stand and existing building(s) and property lines
- Review the source of electricity to the tent
- Review the proposed location of fire suppression equipment (fire extinguishers)
- Review the size of the tent for further requirements
- Review the "Certificate of Flame Resistance" for the tent
- Sign and date the application

Code Enforcement Officer:

- Review the current zoning of the property
- Review for approved zoning for a consumer fireworks facility
- Review the legal description
- Review the property owners written consent, if applicable
- Review the off-street parking available on the site
- Review the site plan. Failure to meet and adhere to the setback and separation requirements may result in the application being denied.
- Sign and date the application.

City Clerk's Office:

- Review the Missouri Sales Tax Certificate
- Review of the certificate of insurance and any related insurance documentation that is required\*

\* The permit holder for a consumer fireworks facility must carry and provide proof that it carries general liability insurance coverage written by a carrier authorized to do business in Missouri with coverage limits of no less than \$1,000,000.

# Fire Department

## Requirements for Retail Fireworks Stands

This information booklet is intended to answer many of the most common questions regarding retail fireworks sales. The overall goal is to assure the overall safety for you, your employees and our citizens.

There are many departments within the City of Perryville that regulate retail firework stands. The Building Inspections and Code Enforcement Departments addresses the zoning requirements and the location where retail stands can conduct business. The Perryville Fire Department is the primary enforcement agency and works alongside Building Inspections and Code Enforcement to ensure that the adopted 2015 International Fire Code and all local ordinances and state statutes are followed as well as reviewing the retail stand application and approving the issuance of the City of Perryville Fireworks License.

Several Inspections by City Staff will be made to verify that all retail fireworks tents are compliant. Without a City of Perryville Fireworks Permit, fireworks cannot be sold.

We encourage all fireworks vendors to contact the Perryville Fire Department if you have further questions. The Perryville Fire Department can be reached at (573) 547-4545.

### Requirements for Tent Construction

Certificate of Flame Resistance. Tents are required to have a "Certificate of Flame Resistance." During the application phase, you will be required to attach a copy of this certificate to your application. In addition, a label certifying that the tent meets Flame Resistant requirements should be attached to the tent.

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

### Grassy or Vacant Lot Requirements

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

- All "non-green" vegetation and combustible debris will be removed from the tent location.
- All "non-green" vegetation and combustible debris within 30 feet of the tent will be removed.
- All grass, both inside and outside of the tent in the 30 feet area as described above shall be mowed to a height of no more than 3 inches.
- The cleared area shall be maintained the entire time the tent is in place.

## **Waste Materials**

Operating and maintaining a retail firework stand that is free of combustible waste material is a key factor in preventing fires. It is the responsibility of the retail firework stand employees that the following requirements are met:

- The floor area inside the stand is kept free of combustible materials and waste.
- Combustible waste materials are not allowed to accumulate inside the tent or within 30 feet of the tent.
- All combustible material will be disposed of in an approved container that is set a minimum distance of 50 feet from the tent.

## **Electrical Equipment, Wiring and Hazards**

Power to the retail fireworks stand shall be provided by either a portable generator or power pole.

- New power pole or existing pole.
- If the approved site does not have an existing source of power, you may decide to have a temporary power pole installed or have an existing power pole re-energized. The City of Perryville requires an inspection of new electrical service or re-energized power poles. Installation or maintenance must be performed by a licensed electrical contractor. Permits must be obtained and inspections passed before Citizens Electric Corporation will provide service. If you plan on installing or re-energizing a temporary power pole contact the following department:

**Citizens Electric Corporation**  
**1500 Rand Avenue**  
**Perryville, MO 63775**  
**(877) 876-3511**

- Portable Generator
  - Generators are required to be located 20 feet away from the retail fireworks tent. A barricade is to be constructed around the generator to prevent the public from coming into contact. Fuel for gas powered generators is to be stored 50 feet away from the fireworks tent. Fuel will be stored in an approved container.
- Extension Cord
  - Extension cords will be commercial, heavy duty cords approved for outdoor use. Extension cords located in foot traffic or vehicle traffic areas are required to be protected to prevent damage and tripping. The use of duct tape to protect extension cords in traffic areas is not acceptable. The use of light-weight extension cords is strictly prohibited.

## **Requirements for Inside the Tent.**

- Occupant Load Sign (See Table A)
  - Each tent is required to have an occupant load sign posted inside. The occupant load sign tells you how many people can be in the tent at any given time. This includes customers and employees. The occupant load is determined by the size of your tent. The occupant sign will be provided to you by the Perryville Fire Department.

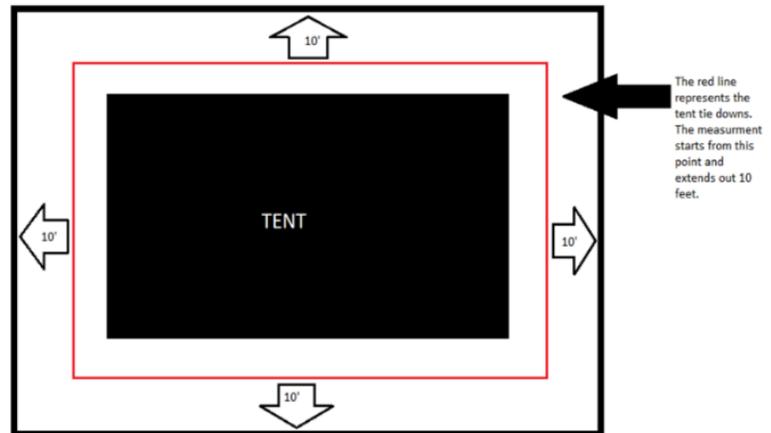
- Exits and Exit Signs (See Table A)
  - Each tent is required to have a minimum of two exits. These exits are to be located away from each other. The exit width is a minimum of 6 feet wide. The main entrance is counted as one of the two required exits. Every exit is to have an exit sign placed directly above the opening. Exit signs are to be easily visible from the inside at all times. Exit openings are to be kept unobstructed at all times.
  
- Aisles and Exit Aisles
  - Each tent is required to provide an exit aisle. The minimum width of an exit aisle is 5 feet wide. Exit aisles are those that lead directly to the exit openings. Additional aisles are to be provided between display tables. The minimum width of the additional aisles is 44 inches. All aisles are required to be maintained at all times and are required to be kept clear of any materials.
  
- Fire Extinguishers (See Table A)
  - Each tent is required to have a minimum of three portable fire extinguishers. Two extinguishers shall be ABC rated dry chemical extinguishers. The minimum size of each extinguisher is UL listed 2A-10 BC. The third extinguisher shall be a two and one-half gallon water class A type fire extinguisher. Based on the size of your tent more extinguishers may be required. Fire extinguishers are to be located where they are easily visible and accessible. Fire extinguishers are required to be installed on the hangers or brackets supplied. Fire extinguishers will be inspected to verify that they are current and/or tagged.
  
- No Smoking Signs
  - NO SMOKING signs are to be posted inside the tent. A minimum of four signs are required. The NO SMOKING signs are to be easily visible to the public. We suggest that the signs be commercially manufactured. These signs are available for purchase at retail stores, home improvement stores and hardware stores. NO SMOKING is to be strictly enforced by all employees working at the Retail Fireworks Tent.

TABLE A

TENT SIZE	SQUARE FT	OCCUPANT LOAD SIZE	NUMBER OF EXITS	EXIT WIDTH	NUMBER OF EXTINGUISHERS
20 X 20	400	26	2	72 inches	3
20 X 30	600	40	2	72 inches	3
30 X 30	900	60	2	72 inches	3
40 X 40	1600	106	2	72 inches	3
30 X 60	1800	120	2	72 inches	3
30 X 75	2250	150	2	72 inches	3
40 X 60	2400	160	2	72 inches	3

## Requirements for Outside the Tent

- Protective Barricade
  - A 10-foot-wide barricade is required to be constructed around the tent to prevent vehicles from parking next to the tent. The barricade must be constructed around all four sides. The barricade is required to be set outward from the anchoring stakes a distance of 10 feet. The following options to construct the barricade are acceptable:
    - Cement blocks or landscape timbers
    - Metal posts and orange construction fencing
    - Metal posts and flags with ropes
    - Orange construction stanchions and ropes

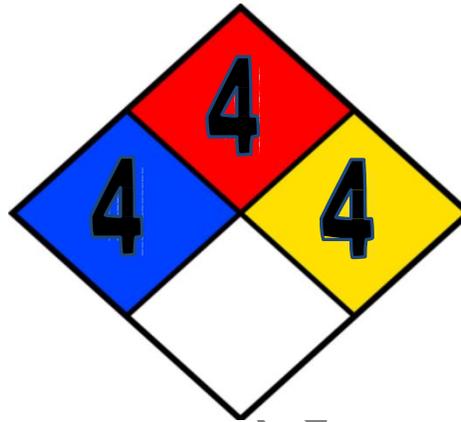


Whatever method is used to construct the Barricade it must be:

- Around all four sides of the tent
  - Openings in the barricade for entrance and exit
  - Replaced or repaired if damaged, blown down by wind, or knocked down by customers.
- Smoking Materials
    - Smoking is prohibited inside the retail fireworks tent. A large non combustible container either filled with sand or water will be placed outside the entrance barricade for the purpose of smoking material disposal. A NO SMOKING sign is required to be posted on the outside of the tent leading to the main entrances of the tent.
    - The NO SMOKING signs are to be easily visible to the public. We suggest that the signs be commercially manufactured and are available for purchase at retail stores, home improvement stores or hardware stores.



- NFPA 704 Placards
  - NFPA 704 Placards are required to be attached on the outside of the tent. Placards are required on all four sides of the tent and are to be easily visible to responding emergency personnel.
  - NFPA 704 Placards are required to be no smaller than 10 inches square.
  - NFPA 704 Placards will have four smaller squares of red, blue, yellow, and white.
  - A four-inch-high, numeral 4, is required to be in the blue, red and yellow square. The white square is to be left blank.
  - NFPA 704 Placards are to be durable enough to withstand wind and water and are required to be attached to the outside of the tent.



### On Site Storage of Consumer Fireworks Inventory

Retail fireworks stand operators may wish to store their firework inventory on site. If you do choose to store your inventory on site, the following requirement must be met:

- The storage trailer or container is constructed of metal.
- The storage or container is capable of being locked.
- The storage trailer or container is locked at all times.
- The storage trailer or container is located a minimum distance of 10 feet from any structure.
- The storage trailer or container is located a minimum distance of 50 feet from any fuel station.
- A sign stating NO SMOKING WITHIN 50 FEET is to be mounted on the storage trailer or container.
- DOT Placards are to be mounted on all 4 sides of the trailer/container.
- DOT Placards are to be a minimum of 15 inches by 15 inches.
- DOT Placards are required to be orange in color.
- 1.4G is to be designated on the placard and the font shall be black and a minimum of 4 inches in height.



## Consumer Grade Fireworks

Prior to a permit being issued, the entire inventory will be inspected by City of Perryville Staff. Packaging on boxes and packaged fireworks will be checked for approved consumer grade listings: 1.4G, UN 036, California Fire Marshall's stamp or designated as safe and sane. Any firework that does not have at least one of the approved consumer grade listings printed on the firework or the packaging will be removed immediately from the tent and not allowed to be sold to the public.

### Pre-Inspection Checklist

- 10 foot barrier constructed around tent.
- NFPA 704 Placards are posted on all sides and easily visible.
- Vegetation is removed from the inside of the tent and 30 feet around the tent.
- NO SMOKING signs posted inside tent and outside by the main entrances.
- City's "Notice Placard" posted inside tent per City Code 8.06.040
- A receptacle is provided for smoking materials outside of main entrance.
- Minimum of 4 exits. One on each side of tent.
- Exit Signs posted over exits.
- Exits are minimum of 6ft wide.
- Exit aisle is 5ft wide.
- Auxiliary aisles are 44 inches wide.
- Aisles are clear of any items.
- Sales tables do not block exits.
- Fireworks for sale have package information.
- All fireworks for sale are approved consumer fireworks.
- Fireworks classified as bottle rockets are not being sold.
- Fireworks classified as Chinese lamps or floating lamps are not being sold.
- All extension cords are commercial heavy-grade and rated for outdoor use.

- Extension cords are protected from foot and vehicle traffic.
- Generator, if used, is a minimum of 20ft away from tent.
- Generator, if used, is surrounded by a protective barrier.
- Fuel for the generator is stored in approved container and is a minimum of 50ft from tent.
- Temporary power pole, if used, is inspected and approved by the City of Perryville Electrical Inspector.
- Waste materials are disposed if in approved containers.
- Waste materials are not allowed to be stored inside of tent.
- Storage trailers/containers are of metal construction.
- Storage trailers/containers are locked at all times.
- Storage trailers/containers are a minimum of 20ft from tent and 10ft from all other non-specified structures
- Storage trailers/containers are 50ft away from re-fueling stations.
- DOT Placard is posted on storage trailers and/or retail containers and shall read 1.4 Explosives G-1.
- NO SMOKING WITHIN 50FT sign is posted on trailers/containers.
- DISTANCES:
  - 300ft away from any residential property line
  - 25ft away from any public right-of-way
  - 50ft away from any structure on the lot or adjoining lot
  - 20ft away from any commercial property line
  - 100ft away from any gasoline pump or filling station or gasoline bulk station

**FIREWORKS CANNOT BE SOLD TO THE PUBLIC UNTIL THE FIREWORKS STAND HAS BEEN INSPECTED AND APPROVED BY ORDER OF THE PERRYVILLE FIRE DEPARTMENT.**

# **AUTHORIZED FIREWORKS ALLOWED TO SELL** **WITHIN THE PERRYVILLE CITY LIMITS**

## **Perryville Code of Ordinances**

City of Perryville Code of Ordinances regulates the type of fireworks that can be sold at a retail fireworks stand within the city limits. The Code of Ordinances also regulates fireworks that are strictly prohibited to be sold within the city limits.

### **Chapter 8.06 - FIREWORKS**

#### **8.06.010 - Definitions.**

The following words, terms, and phrases, when used in this chapter, shall have the meanings as described to them in this section, except where the context clearly indicates a different meaning:

*Aerial fireworks* means any fireworks, such as a bottle rocket, that utilize a straight and rigid stick of wood, plastic, or other material attached to a propellant tube or driver to stabilize or direct flight.

*Common fireworks* means the articles of fireworks which are classified as common fireworks under Class C explosives in RSMo 320.106(2) or as defined as common fireworks by the regulations of the United States Department of Transportation for the transportation of explosive and other dangerous articles.

*Explosive composition* means a chemical or mixture of chemicals that produces an audible effect by deflagration or detonation when ignited.

*Fireworks* means a combustible or explosive composition or any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation.

*Fireworks stand* means a temporary structure used exclusively for the sale of fireworks and related items.

*Permissible fireworks* means those fireworks permissible for sale to and use by the general public and described in this chapter as:

1. Common fireworks;
2. Novelties without explosive composition or pyrotechnic composition;
3. Trick noisemakers without explosive composition or pyrotechnic composition.

*Pyrotechnic composition* means a mixture of chemicals that produces a visible or audible effect by combustion rather than deflagration or detonation. 'Pyrotechnic compositions' will not explode upon ignition unless severely confined.

*Sky lanterns* (also known as Kongming lanterns) means a device constructed from oiled rice paper on a bamboo frame containing a small candle or fuel cell composed of a waxy flammable material or other flammable fuel cell. When lit the flame heats the air inside the lantern causing the lantern to rise into the air.

*Special fireworks* means all articles of fireworks that are classified as special fireworks under Class B explosives in the regulations.

#### **8.06.020 - General restrictions.**

Except as provided in this chapter, it shall be unlawful for any person:

1. To possess for sale within the city, sell or offer for sale at retail, or use within the city any fireworks other than permissible fireworks;
2. To sell fireworks to anyone under seventeen (17) years of age.
3. Under seventeen (17) years of age to sell fireworks or work in a facility where fireworks are stored, sold, or offered for sale unless supervised by an adult;
4. To use, ignite, or set off any fireworks inside of any building, enclosure, business, inhabitable structure, motor vehicle, or trailer.

#### **8.06.030 - License required.**

Each dealer in fireworks, at wholesale or retail, shall first obtain all permits required by the United States and the State of Missouri and provide proof thereof as a basis for any license issued under this chapter. Each dealer in fireworks, at wholesale or retail, before selling any article of fireworks, shall obtain from the city clerk a license for two hundred fifty dollars (\$250.00) to sell fireworks for each location at which fireworks are to be offered for sale. Each license shall bear the date of expiration on the face thereof, shall designate the location for which it is granted, shall not be transferable, and shall only be issued after inspection and approval of the premises by the fire inspector. Each license to sell fireworks shall be for the period of time set forth in Section 8.06.080 of this Code. Any dealer in fireworks holding a permit under this section shall be subject to inspection by the fire inspector, and in the event the fire inspector finds any violation of any requirement of this chapter the permit shall be revoked. No license shall be issued to any property that is zoned residential.

#### **8.06.040 - Posting of notice.**

Every person who shall sell fireworks in accordance with this chapter shall post the 'notice placard' supplied by the city and given to the seller at the time the license is issued under Section 8.06.030 of this Code.

#### **8.06.050 - Adoption of codes and common nomenclature of fireworks.**

The city hereby adopts the following requirements for fireworks:

1. Certain documents, three copies of which are on file in the office of the city clerk, being marked and designated as (a) 'NFPA 1123 Code for Fireworks Display 2014 Edition' (or most current edition), (b) 'NFPA 1124 Code for the Manufacture, Transportation, and Storage of Fireworks and Pyrotechnic Articles 2017 Edition' (or most current edition), and (c) 'NFPA 1126 Standard for the Use of Pyrotechnics before a Proximate Audience 2016 Edition' (or most current edition), as published standards organization, are hereby adopted as the fireworks and fireworks display standards for the city for the control of the display, manufacture, and use of fireworks and pyrotechnics; and each and all of the regulations, provisions, penalties, conditions, and terms of such NFPA codes listed above (in the most current edition) are hereby referred to, adopted, and made a part hereof as if fully set out in this chapter.
2. No article of common fireworks shall be sold or offered for sale at retail unless it shall comply with RSMo 320.106 through 320.161 and shall be properly named to conform to the nomenclature in Section 8.06.010 of this Code and unless its classification as common fireworks is certified to by imprinting on the article or retail container 'I.C.C. Class C common fireworks,' such imprinting to be of sufficient size and so positioned as to be readily recognized.

#### **8.06.060 - Permit for public display of fireworks.**

The board of aldermen may issue a permit for a maximum period of twenty-four (24) consecutive hours for the possession and use of fireworks, including special fireworks, for the purpose of organized public fireworks exhibitions, provided that the permit holder complies with:

1. The Fireworks Regulations of the Department of Public Safety of the State of Missouri;
2. The Federal Explosives Law and Regulations of the Bureau of Alcohol, Tobacco and Firearms of the United States Department of the Treasury;
3. All provisions of this chapter of the Code.

If after the issuance of the permit under this section there occurs a violation of any requirement of this section, the fire inspector shall revoke said permit.

#### **8.06.070 - Safety requirements.**

- A. No permissible fireworks may be sold at retail without a retail license. The license must be on display at the location where the retail sale takes place.
- B. No license shall be issued for any location where paints, oils, or varnishes are manufactured or kept for use or sale nor where resin, turpentine, gasoline, or other similar inflammable substances or any substance which may generate inflammable vapors is used, stored, or offered for sale or where the fire inspector shall determine that any condition exists which makes the storage or sale of fireworks at such location unusually hazardous.
- C. No fireworks shall be stored, kept, sold, or discharged within one hundred (100) 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 (1) gallon.
- D. Each licensee shall keep and maintain at least two, ten pounds each, A.B.C. dry chemical fire extinguishers with a 2-A rating or over and one two and one-half gallon water class A fire extinguisher, mounted in plain view, per location.
- E. The smoking or carrying of a lighted pipe, cigar, cigarette, or tobacco in any form is prohibited in all places where fireworks are sold or displayed within fifty (50) feet thereof.
- F. No fireworks shall be discharged within three hundred (300) feet of any fireworks retail sales location.
- G. It shall be unlawful to offer for sale or to sell any fireworks to any intoxicated person.
- H. No person shall expose fireworks in any location where the sun may shine through glass on the fireworks displayed or permit the presence of lighted cigars, cigarettes, or pipes on the premises where fireworks are offered for sale.
- I. No person shall ignite or discharge any fireworks within or throw the same from a motor vehicle while within nor shall any person place or throw any ignited article of fireworks into or at such a motor vehicle or at or near any person or group of people.
- J. No person shall set off, fire, or cause to explode any firecracker or fireworks upon the private property of any third person without the express consent of such person. This provision is intended to include the prohibition of throwing firecrackers or fireworks upon the private property of any person from a street or sidewalk without the express consent of such property owner.
- K. No fireworks shall be sold other than at a licensed fireworks stand or an approved permanent commercial building structure.
- L. No fireworks shall be sold or discharged on the real property of any church or school unless such person shall first obtain the consent in writing of the board of directors of the school or the consent in writing of the majority of the managing board of the church or place of worship.

- M. It shall be unlawful to discharge fireworks from the roof or from the inside of any building.
- N. No bottle rockets may be sold, distributed, or discharged within the city limits.
- O. No fireworks may be discharged from the city streets, sidewalks, or right-of-ways.

**8.06.080 - Limitations and prohibition of sale and use.**

- A. No fireworks may be sold except between the hours of 8:00 a.m. and 10:00 p.m. each day during the period from June 20th through July 6th of each year.
- B. No person shall discharge, ignite, or explode any article of fireworks except between the hours of 10:00 a.m. and 10:00 p.m. during the period from June 20th through July 6th of each year and between the hours of 10:00 a.m. on July 4th and 12:00 (midnight) on July 4th of each year and the evening of the board of aldermen approved community fireworks display.
- C. No person shall sell, distribute, possess, use, ignite, or allow to be ignited any aerial fireworks within the city. However, this prohibition shall not apply to public fireworks displays for which a permit has been issued pursuant to Section 8.06.060 of the Code.
- D. No person under the age of seventeen (17) years of age shall possess, discharge, ignite, or explode any article of fireworks within the city unless under the direct supervision of a parent or guardian.
- E. No person under the age of seventeen (17) years of age shall purchase or attempt to purchase any of the fireworks described in this chapter or present or offer to any person purported proof of age which is false, fraudulent, or not actually his or her own for the purpose of purchasing any such fireworks.
- F. No person shall discharge, ignite, or explode any article of fireworks in any municipal park in the city at any time unless such person has received specific written authorization from the mayor and board of aldermen. For the purpose of this section, municipal park shall mean any real estate owned by the city located within its corporate boundaries, whether or not solely dedicated to recreational use.
- G. Nothing in this section shall limit activities specifically allowed by permit issued under Section 8.06.060.
- H. The use of sky lanterns is prohibited.
- I. The fire chief, police chief, or their designee, in the interest of public safety, may issue an order prohibiting discharge of fireworks as described in this section within the city limits of the city. During the time set forth in such order, it shall be unlawful for any person to discharge fireworks in the area designated in the fire chief's order.

#### **8.06.090 - Exclusions.**

Nothing in this chapter shall be construed as applying to toy paper caps containing not more than an average of twenty-five hundredths (0.25) of a grain of explosive composition per cap and packed in conformance with the regulations or as prohibiting the storage of fireworks for public display as provided in Section 8.06.060. Nothing in this chapter shall be construed as applying to the manufacture, storage, sale, or use of signals necessary for the safe operation of railroads or other classes of public transportation or of illuminating devices for photographic use nor as 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, theatrical, or athletic events.

#### **8.06.120 - Penalties.**

- A. Any individual cited for possessing, discharging, or shooting fireworks in violation of this chapter shall be subject to immediate confiscation of any prohibited fireworks and, upon conviction, to a fine of not less than twenty-five dollars (\$25.00) and not more than five hundred dollars (\$500.00) or imprisonment or both. Each such unlawful act shall constitute a separate offense.
- B. Any individual cited for selling or offering for sale fireworks in violation of this chapter shall be subject to immediate confiscation of any prohibited fireworks and, upon conviction, to a fine of not less than one hundred fifty dollars (\$150.00) dollars and not more than five hundred dollars (\$500.00) or imprisonment or both. Each such unlawful act shall constitute a separate offense. Furthermore, a violation of any of the provisions of this chapter shall also cause an immediate and automatic revocation of all licenses or permits issued pursuant to this chapter and the violator shall be prohibited from selling fireworks within the city for a period of two years.

#### **9.04.160 - Discharge of fireworks and firearms.**

It shall be unlawful for any person, firm, or corporation to sell, offer for sale, expose for sale, use, discharge, or explode within the city a blank cartridge, toy pistol, toy cannon or cane in which explosives are used, or the type of balloon requiring fire underneath to propel same, firecrackers, torpedoes, sky rockets, Roman candles, aerial salutes, bombs, or other fireworks of any kind whatsoever except as specifically provided in [Title 8, Chapter 8.06](#), of this Code. The exclusions set forth in [Section 8.06.090](#) of this Code are incorporated herein by reference.