

A BILL TO CREATE AN ORDINANCE ENTITLED:

“AN ORDINANCE TO AMEND CHAPTER 11 AND SUBSECTION A OF SECTION 31-27 OF THE CENTRALIA CITY CODE CONCERNING FIREWORKS SALES WITHIN THE CENTRALIA CITY LIMITS.”

WHEREAS, the City of Centralia, Missouri Planning and Zoning Commission, after public hearing and consideration on April 21, 2016, voted by a vote of six (6) to two (2) to recommend to the Board of Aldermen of the City of Centralia, Missouri in accordance with Section 31-7 of the Centralia City Code that Subsection A of Section 31-27 of the Centralia City Code be amended to include “Fireworks Sales” as a permitted use in the B-2 highway business zone district; and

WHEREAS, in accordance with Section 31-9 of the Centralia City Code, notice of a public hearing regarding the proposed amendment to Subsection A of Section 31-27 of the Centralia City Code was given by the Board of Aldermen, stating that a hearing would be held on May 2, 2016 beginning at 7:00 p.m. in the Council Chambers of the Centralia City Hall, said notice having been published in the April 13, 2016 issue of the Centralia Fireside Guard, a weekly newspaper of general circulation in Centralia, Missouri; and

WHEREAS, a public hearing was held beginning at 7:00 p.m. on May 2, 2016 in the City Hall Council Chambers of Centralia City Hall in Centralia, Missouri, by the Board of Aldermen, at which hearing all parties in interest and citizens were given an opportunity to be heard in relation to the recommended amendment; and

WHEREAS, no citizens appeared at the hearing, with no citizens supporting the proposed amendment, and no written protest has been made to such proposed amendment; and

WHEREAS, the Board of Aldermen of the City of Centralia, Missouri, has determined that the amendment to Subsection A of Section 31-27 and the amendments to Chapter 11 of the Centralia City Code are in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CENTRALIA, MISSOURI, as follows:

SECTION 1. Section 11-1 of the Centralia City Code is hereby changed, altered and amended, to read as follows:

A. It shall be unlawful to sell or offer for sale within the corporate limits any Consumer Fireworks or any other types of fireworks allowed by Missouri law except from June 20th through July 10th of the same year, known as the "fireworks sale season", by a seasonal retailer or other person. There shall be no more than five (5) City fireworks sales permits to sell fireworks issued by the City, for each fireworks sale season. A City fireworks sales permit to sell or offer to sell fireworks allowed by Missouri law shall be \$200.00, to be paid to the City by the person selling or offering to sell fireworks allowed by Missouri law before the time that any said fireworks are sold. The City fireworks sales permit cost shall include a fee for an inspection of the proposed place of sale of said fireworks by the State of Missouri Fire Marshal or his designee or the City Chief of the Fire Department or his designee, to determine that the proposed place of sale of said fireworks complies with Missouri law and this chapter of the Centralia City Code and any other applicable City ordinances regarding sale of fireworks. The City fireworks sales permit cost further shall include the cost of a temporary electric set up and a \$100.00 electric deposit for the proposed place of sale of said fireworks. The City fireworks sales permit application shall require that a Certificate of Insurance endorsement be obtained by the person selling fireworks allowed by Missouri law to be sold, showing that the City is named as an additional insured with the person selling said fireworks allowed by Missouri law. The fireworks sales permit application for the person selling fireworks allowed by Missouri law further shall require that the person selling fireworks allowed by Missouri law shall obtain from the Missouri Department of Revenue a certification that no sales tax is due to the State of Missouri and/or the City of Centralia, Missouri. The fireworks sales permit application also shall require that all Boone County, Missouri and State of Missouri requirements regarding sale of fireworks be met.

SECTION 2. Section 11-2 of the Centralia City Code is hereby changed, altered and amended to read as follows:

A. Every person who shall sell or display for sale any fireworks shall display in a conspicuous place a sign or signs, printed in bold letters not smaller than one (1) inch in height, the following:

FIREWORKS MAY NOT BE SOLD TO A CHILD UNDER AGE FOURTEEN EXCEPT WHEN THE CHILD IS IN THE PRESENCE OF A PARENT OR GUARDIAN.

SHOOTING OF BOTTLE ROCKETS, OTHER ROCKETS, AND SIMILAR KINDS OF FIREWORKS PROHIBITED IN THE CITY OF CENTRALIA, MISSOURI. SHOOTING OF FIREWORKS PROHIBITED IN BUSINESS DISTRICT, STREETS, PARKS AND OTHER PUBLIC PROPERTY OF CENTRALIA, MISSOURI.

SOME FIREWORKS THAT ARE ALLOWED FOR SALE WITHIN THE CITY OF CENTRALIA, MISSOURI ARE NOT LEGAL TO DISCHARGE OR SHOOT WITHIN THE CITY OF CENTRALIA, MISSOURI.

SHOOTING OF FIREWORKS PROHIBITED WITHIN SIX HUNDRED FEET OF ANY CHURCH OR PUBLIC SCHOOL, AND WITHIN ONE HUNDRED FEET OF WHERE FIREWORKS ARE OFFERED FOR SALE OR STORED.

WHERE PERMITTED, SHOOTING OF FIREWORKS (OTHER THAN ROCKETS) ALLOWED ONLY FROM JULY 1 TO JULY 4, BETWEEN 8:00 A.M. AND 10:00 P.M.

B. Every person who shall sell or display for sale any fireworks shall display in a conspicuous place a sign or signs, printed in bold letters not smaller than four (4) inches in height: "FIREWORKS — NO SMOKING."

SECTION 3. Section 11-5 of the Centralia City Code shall be changed, altered and amended to read as follows:

A. Except as provided in Section 11-4 (B), it is unlawful for any person to possess, sell or use within the corporate limits of the City any pyrotechnics commonly known as "fireworks" other than items now or hereafter classified as "Consumer Fireworks" by the United States Department of Transportation or those items that comply with the construction, chemical composition, labeling and other regulations relative to fireworks regulation promulgated by the United States Consumer Product Safety Commission and permitted for use by the general public under regulations. It is unlawful for any person to sell, offer for sale, store, and display or possess any fireworks that have not been approved and labeled as Consumer Fireworks by the Interstate Commerce Commission. The Interstate Commerce Commission Consumer Fireworks label must be visible on the fireworks or smallest container in which they are sold. The label shall be on the fireworks, or package, or both, that is received by the general public from the seller.

B. Except as provided in Section 11-4 (B), it is unlawful for any person to possess, use, discharge or ignite those fireworks classified by the United States Department of Transportation as ground salutes, commonly known as "cherry bombs", "M-80's", "M-100's", "M-1000's", and various other tubular salutes which exceed the limits set for Consumer Fireworks by the United States Department of Transportation for explosive composition.

SECTION 4. Section 11-6 of the Centralia City Code is hereby changed, altered and amended to read as follows:

Unless the context clearly indicates otherwise, the terms listed below shall have the following definitions in Chapter 11:

FIREWORKS: Explosive devices designed primarily to produce visible or audible effects by combustion, deflagration or detonation, including aerial devices and ground devices that meets the definition of consumer, proximate or display fireworks as set forth by 49 Code of Federal Regulations Part 171 to end, United States Department of Transportation hazardous materials regulations, and American Pyrotechnics Association 87-1 standards.

CONSUMER FIREWORKS: Explosive devices classified as designed primarily to produce visible or audible effects by combustion, including aerial devices and ground devices, all of which are classified as fireworks, UNO336, 1.4G by regulation of the United States Department of Transportation, as amended, and which were formerly classified as Class C common fireworks by regulation of the United States Department of Transportation.

SPECIAL DISPLAY FIREWORKS Explosive devices designed primarily to produce visible or audible effects by combustion, deflagration or detonation, including devices containing more than two (2) grains (130 mg) of explosive composition intended for public display. These devices are classified as fireworks, UNO335, 1.3G by regulation of the United States Department of Transportation, as amended, and which were formerly classified as Class B display fireworks by regulation of the United States Department of Transportation.

SECTION 5. Subsection A of Section 31-27 of the Centralia City Code is hereby changed, altered and amended by renumbering the present Paragraph Number 30 of the Centralia City Code to be Paragraph Number 31 and adding a new Paragraph Number 30 to read as follows:

30. Fireworks Sales allowed by law.

SECTION 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. This ordinance shall take effect and be in full force and effect from and after the date of its passage and approval.

PASSED this 2nd day of May, 2016.

Mayor, Tim Grenke

ATTEST:

City Clerk, Heather Russell

This ordinance approved by the Mayor this 2nd day of May, 2016.

Mayor, Tim Grenke

ATTEST:

City Clerk, Heather Russell