

**AN ORDINANCE TO AMEND CHAPTER 230: FIREWORKS, OF
THE MARYVILLE MUNICIPAL CODE, MARYVILLE,
MISSOURI**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, MISSOURI, as follows:

SECTION 1: That Chapter 230: Fireworks, of the Municipal Code, of the City of Maryville, Missouri, is hereby amended which shall read as follows and made part of this Ordinance by reference.

CHAPTER 230: FIREWORKS

Section 230.010 Legislative Intent.

[R.O. 2008 §235.010; Ord. No. 4890 §1, 7-9-1990]

It is hereby declared to be the intent of City Council, 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 230.020 Administration.

[R.O. 2008 §235.020; Ord. No. 4890 §1, 7-9-1990]

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

Section 230.030 Inspector.

[R.O. 2008 §235.030; Ord. No. 4890 §1, 7-9-1990]

The City Manager 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 230.040 Definitions.

[R.O. 2008 §235.040; Ord. No. 4890 §1, 7-9-1990]

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

CONSUMER FIREWORKS

Explosive devices designed primarily to produce visible or audible effects by combustion and includes 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 from time to time, and which were formerly classified as class C common fireworks by regulation of the United States Department of Transportation.

FIREWORKS

Any composition or device for producing a visible, audible, or both visible and audible effect by combustion, deflagration, or detonation and that meets the definition of consumer, proximate, or display fireworks as set forth by 49 CFR Part 171 to end, United States Department of Transportation hazardous materials regulations, and American Pyrotechnics Association 87-1 standards.

FIREWORKS STAND

Any structure which is freestanding, solely intended only 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 230.050 Permit Required.

[R.O. 2008 §235.050; Ord. No. 4890 §1, 7-9-1990]

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

Section 230.060 Application for Permit for the Sale of Fireworks.
[R.O. 2008 §235.060; Ord. No. 4890 §1, 7-9-1990]

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 230.070 Application for Permit for Public Display of Fireworks.
[R.O. 2008 §235.070; Ord. No. 4890 §1, 7-9-1990]

- A. Application for 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 Maryville 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 date 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 Manager 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 Director of Public Safety 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 Manager 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 Manager or his/her authorized representative, shall submit said application to the office of the City Clerk who shall then, upon receipt of financial responsibility as required by ordinance, collect the permit fee as set by resolution and adopted by the City Council, and issue a non-transferable permit authorizing the said public fireworks display.

Section 230.080 Issuance of Permit — Fee.
[R.O. 2008 §235.080; Ord. No. 4890 §1, 7-9-1990]

- A. The City Clerk shall issue to any person who is in conformity with Section 230.060, "Application for Permit for the Sale of Fireworks" or Section 230.070, "Application for Permit for Public Display 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 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 to 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 230.090 Inspection of Site of Sale or Site for Public Display of Fireworks.
[R.O. 2008 §235.090; Ord. No. 4890 §1, 7-9-1990]

Upon completion of the setup of a stand for the public sale of fireworks, the permittee shall notify the City Manager or his/her authorized representative who shall cause to be made an inspection of the site within twenty-four (24) 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 230.070.

Section 230.100 Regulations for Sites Offering Public Sale of Fireworks.
[R.O. 2008 §235.100; Ord. No. 4890 §1, 7-9-1990]

- A. The following regulations shall be considered as minimum requirements and shall be upheld in all cases involving any site within the cities which offer fireworks for sale to the public.
 1. No fireworks shall be offered for sale or sold to the public except from 8:00 A.M., June twentieth (20th) through 11:00 P.M. July fourth (4th), provided however, that there shall not be offered for sale or sold at any time within the City limits any aerial device with the common trade name of "bottle rocket" or "sky rocket" and defined as any device containing a wooden stick for guidance and stability, rising into the air upon ignition, and producing a burst of color or noise or both at the height of its flight.
 2. All firework stands offering fireworks for sale to the public shall be free standing 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.
 3. Any fireworks stand shall be located a minimum of fifty (50) feet from any inhabited structure, ~~or within fifty (50) feet from any public walk, street or thoroughfare nor shall any such stand be located within five hundred (500) feet from any hospital, school, bulk storage of flammable liquids or flammable gases.~~ **fifty (50') feet of any dispensing unit for ignitable liquids or gases.**
 4. No fireworks stand shall contain any more than five hundred (500) pounds of pyrotechnic material at any one time.
 5. 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.
 6. 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.
 7. Smoking, matches, open flames, spark producing devices and firearms shall not be permitted inside or within twenty-five (25) feet of any fireworks stand.
 8. 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.
 9. 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 stand; 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.

10. All openings to any fireworks stand shall be equipped with a means of locking. *Exception:* If locking of the structure is not possible (i.e., the structure being a tent), the structure shall be attended continuously to comply with the intent of this Section.
11. All doors shall open outward and be free from any obstruction.

Section 230.110 Use of Fireworks Within City Limits.

[R.O. 2008 §235.110; Ord. No. 4890 §1, 7-9-1990]

- A. No person shall use or cause to be used any other common fireworks at any time except during the hours from 8:00 A.M. to 11:00 P.M. on the date of July fourth (4th); no person shall at any time use any aerial device with the common trade name of "bottle rocket" or "sky rocket" and defined as any device which contains a wooden stick for guidance and stability and rises into the air upon ignition. A burst of color or noise or both is produced at the height of flight.
- B. It is unlawful to explode or ignite consumer fireworks within six hundred feet (600') of any church, hospital, mental health facility, or school or within one hundred feet (100') of any location where fireworks are stored, sold or offered for sale.
- C. No person shall ignite or discharge fireworks within three hundred feet (300') of any permanent storage of ignitable liquid, gases, gasoline pump, and gasoline filling station.
- D. Any other use of fireworks or common fireworks except such as outlined by this Chapter shall be a direct violation of this Chapter.

Section 230.120 Violations and Penalties.

[R.O. 2008 §235.120; Ord. No. 4890 §1, 7-9-1990; Ord. No. 5429 §1, 6-25-1996]

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 an ordinance violation, 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 2: This Ordinance shall be in full force and effect upon passage.

PASSED AND ADOPTED this 27th day of June, 2018.



Rachael Martin, Mayor

ATTEST:



Sheila Smail, City Clerk