

CHAPTER 215: FIREWORKS**SECTION 215.005: DEFINITIONS**

For the purposes of this Chapter, the following terms shall be deemed to have the meanings indicated below:

AERIAL LUMINAIRE: As used in this Section, the term "Aerial Luminaire" shall mean, and refer to, an airborne paper lantern containing a small candle or other device for fuel that heats air from inside the lantern causing the lantern to rise into the air and remain airborne until the candle or other heat source is not sufficient to cause it to remain airborne at which point it descends until it comes to rest in a tree, in vegetation, or on the ground or it comes in contact with other objects which stop its descent.

CONSUMER FIREWORKS: Explosive devices designed primarily to produce visible or audible effects by combustion. This term includes aerial devices and ground devices, all of which are classified as fireworks, UN0336, 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.

SPECIAL FIREWORKS: Explosive devices designed primarily to produce visible or audible effects by combustion, deflagration or detonation. This term includes devices containing more than two (2) grains (130 mg) of explosive composition intended for public display. These devices are classified as fireworks, UN0335, 1.3G by regulation of the United States Department of Transportation, as amended from time to time, and which were formerly classified as class B display fireworks by regulation of the United States Department of Transportation.

SECTION 215.010: LIMITED PERMISSION FOR THE SALE AND DISCHARGE OF FIREWORKS WITHIN THE CITY

The City Council hereby grants permission in accordance with the provisions of this Chapter for the limited sale and discharge within the City of consumer fireworks, except those consumer fireworks items commonly known as bottle or stick rockets and Roman candles and aerial luminaires as defined in section 215.005 which are prohibited. Except as expressly set forth in this Chapter, all other sales and discharges of fireworks are prohibited.

SECTION 215.020: SALE PROHIBITED—EXCEPTION DURING CERTAIN TIMES

It shall be unlawful for any person to sell or offer for sale any type or kind of fireworks within the corporate limits of the City except permitted consumer fireworks may be sold between 10:00 A.M.—10:00 P.M., June twenty-eighth (28th) to July fourth (4th).

SECTION 215.030: PERMIT REQUIRED

No person or entity shall sell or display for sale any fireworks within the corporate limits of this City without first obtaining a permit from the City for such sale or display. Each location shall require a separate permit.

1. Applications for fireworks stand/tent permits shall be made on or before the second (2nd) Monday in May of each year to the City Clerk. Applicants must be at least age eighteen (18) years of age. Said applications must be approved by the City Clerk pursuant to the requirements outlined in this Chapter. Any applications received after the second (2nd) Monday in May, may be denied by the City Clerk.
2. Permit fee for said fireworks permit shall be approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department.
3. The following shall be submitted with the application:
 - a. A letter from the property owner approving the location.
 - b. A letter from the fire district approving said application and location.
 - c. A detailed conceptual plan of the proposed tent area indicating access points to the site and parking areas.
 - d. A copy of Missouri retail sales tax license, if a for profit entity.
 - e. A current certificate of "No Tax Due" from the Missouri Department of Revenue if the permit application is a for profit entity. This shall not apply to any sales tax obligation which is contested by the applicant in good faith and resolution of which is being diligently pursued by the applicant.
4. Before a permit will be issued, a certificate of insurance showing general liability coverage of no less than the amount of the current City's sovereign immunity level, must be submitted and naming the City as an additional insured.
5. A permit for fireworks stand/tent will not be issued if said location is within three hundred (300) feet of another fireworks stand/tent.
6. No fireworks stand/tent shall be located on a property zoned residential or within three hundred (300) feet of any residential structure, preschool and/or K-12 school building.
7. No permit shall be issued if the Public Works Director determines the access to the site is not safe or adequate.
8. No permit shall be issued to a license applicant in the following year if that applicant was previously issued a citation for continuing to operate a fireworks tent/stand when the permit was suspended by the City and was found guilty of said violation.

9. After preliminary approval by the City Clerk, the Code Enforcement Officer, Building Official and the Fire Marshal will inspect and approve the stand/tent for use before the City Clerk issues the permit.
10. In the event of a denial of an application by the City Clerk, the applicant may file an appeal to the City Manager to review the decision of the City Clerk in denying the application for issuance of a fireworks permit for sale or display for sale of fireworks. Such appeal shall be heard within forty-eight (48) hours of the date and time the appeal was filed with the City Manager. The City Manager shall make the decision and shall set forth the grounds for granting or denial of the permit.
11. Any applicant aggrieved by a decision of the City Manager may appeal that decision to the City Council provided the appeal is filed within ten days of the City Manager's decision.

SECTION 215.040: SELLERS TO DISPLAY SIGN

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

FIREWORKS—NO SMOKING

**SHOOTING OF FIREWORKS
IS PROHIBITED**

**ON RAYMORE STREETS AND SIDEWALKS,
IN CITY PARKS AND OTHER PUBLIC PROPERTY
AND IN BUSINESS DISTRICTS**

**CONSUMER FIREWORKS MAY ONLY BE SOLD
AND DISCHARGED DURING THE FOLLOWING TIMES:
(times sale and discharge permitted)**

**BOTTLE OR STICK ROCKETS, ROMAN CANDLES, AND AERIAL LUMINAIRES
ARE PROHIBITED FROM BEING SOLD OR DISCHARGED
AT ANY TIME WITHIN THE CITY OF RAYMORE**

SECTION 215.050: SALE FROM PUBLIC PROPERTY PROHIBITED

Fireworks shall not be sold or advertised for sale from any street, alley, sidewalk or other public property within the corporate limits of the City.

SECTION 215.060: DISCHARGE PROHIBITED AT CERTAIN TIMES AND IN CERTAIN PLACES

- A. It shall be unlawful for any person to discharge or shoot any type of fireworks at any time within the City except permitted consumer fireworks may be discharged:
1. Between 10:00 A.M. and 10:00 P.M. July first (1st) through July third (3rd); and
 2. Between 10:00 A.M. and 12:00 Midnight on July fourth (4th); unless any of said days fall on a Sunday, in which case permitted consumer fireworks may not be discharged before noon that day.
- B. Except as otherwise set forth in this Chapter, it shall be unlawful for any person to discharge any type of fireworks at any time in or on any public street, public sidewalk, public park or trail, public grounds or within the business district of the City, unless the City Council grants express approval.
- C. The City Council, by resolution, may permit the discharge of special fireworks on public or private property on July fourth (4th) or such other date as the Council may authorize, if the same is a public display for which no admission charge is collected and if the same is sponsored and conducted by the City or one (1) or more local organizations.

SECTION 215.070: SALES TO CHILDREN, SALES BY CHILDREN, UNLAWFUL—EXCEPTIONS—EXPLODING FIREWORKS NEAR GASOLINE PUMPS, CERTAIN BUILDINGS OR FROM OR AT MOTOR VEHICLES, PROHIBITED—DEMONSTRATING AND TESTING ALLOWED—REQUIREMENTS.

- A. It is unlawful to attempt to sell or to sell at retail any fireworks to children under the age of fourteen (14) years except when such child is in the presence of a parent or guardian.
- B. It is unlawful for any person under the age of sixteen (16) to sell fireworks or work in a facility where fireworks are stored, sold or offered for sale unless supervised by an adult.
- C. It is unlawful to explode or ignite fireworks within three hundred (300) feet of any church, hospital, mental health facility, school or within three hundred (300) feet of a permanent structure where fireworks are stored, sold or offered for sale.
- D. No person shall ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle, nor shall any person place or throw any ignited article of fireworks into or at a motor vehicle or at or near any person or group of people.
- E. No person shall ignite or discharge fireworks within three hundred (300) feet of any gasoline pump, gasoline filling station.

- F. Nothing in Sections 320.106 to 320.161, RSMo., shall be construed to prevent permittees from demonstrating or testing fireworks. Any such demonstration or test shall require the notification and approval of the local fire service or the State Fire Marshal.

SECTION 215.075: SUSPENSION OF PERMIT

- A. A permit to sell fireworks may be immediately suspended by the City Clerk for the following causes:
1. Permittee violates any provision of Chapter 215.
 2. Permittee does not comply with the requirements of Chapter 435: Signs of the Unified Development Code.
 3. Permittee does not immediately correct a violation of City Code when contacted by the City Code Enforcement Officer or Building Official.
- B. Upon correction of a violation(s) for which a permit has been suspended the City Clerk may reinstate the permit.
- C. An appeal of the suspension of a permit may be filed in accordance with Section 215.030. The permit shall remain suspended until the appeal is heard by the City Manager.

SECTION 215.080: PENALTIES

- A. Upon conviction or a plea of guilty, any person, firm or corporation violating or failing to comply with any of the provisions of this Chapter shall be subject to the penalty provisions provided for in Section 100.220 of the City Code.
- B. Any person, firm or corporation violating or failing to comply with any of the provisions of this Chapter shall be subject to immediate confiscation of any prohibited fireworks.

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