

## Chapter 220

### FIREWORKS

Cross References — As to obedience to fire department employees in emergency situations, §§310.010 — 310.020; as to police generally, ch. 200.

#### **Section 220.010. Definition.**

"*Fireworks*" is defined as 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.

#### **Section 220.020. Manufacture Prohibited — Permits For Sale, Etc.** [R.O. 2012 §220.020; CC 1979 §11-2]

- A. The manufacture of fireworks is prohibited within the City.
- B. *Discharge of Fireworks.* [Ord. No. 8438 §§1 - 2, 5-20-2016]
  - 1. It shall be unlawful for any person within the City of Monett, Missouri, to discharge or cause to be discharged, ignited, fired or otherwise set in action within the City limits, any fireworks except for "consumer fireworks" as defined in Section 320.106, RSMo., on July second (2nd) and July third (3rd) between the hours of 12:00 P.M. and 10:00 P.M.; and July fourth (4th) from 10:00 A.M. and 12:00 A.M. No fireworks shall be discharged, ignited, fired or otherwise set in action within one hundred (100) feet of a hospital or nursing home facility. No discharge shall be permitted as set forth above if the Fire Chief has issued a "burn ban" during said periods. The Fire Chief shall have the power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by the City, fair associations, amusement parks and other organizations or groups of individuals. Every such display shall be handled by a competent operator approved by the Chief of Police and the Fire Chief and shall be of such a character and so located, discharged or fired as, in the opinion of the Fire Chief, after proper inspection, shall not be hazardous to property or endanger any person.
  - 2. Any person convicted of possessing or setting off any fireworks in violation of this Section, shall be punished by the imposition of a fine of not more than fifty dollars (\$50.00) for the first (1st) offense and by the imposition of a fine of up to two hundred dollars (\$200.00) for all subsequent offenses.
- C. Applications for permits under this Section shall be made in writing at least fifteen (15) days in advance of the date of the display. After such privilege shall have been granted,

sale, possession use and distribution of fireworks for such display shall be lawful for the purpose only. No permit granted under this Section shall be transferable.

**Section 220.030. Permittee To Furnish Bond.** [R.O. 2012 §220.030; CC 1979 §11-3; Ord. No. A-1545 §3, 11-5-1956]

Every permittee under Section 220.020 shall furnish a bond, in an amount deemed adequate by the Chief of the Fire Department but not less than five hundred dollars (\$500.00), conditioned for the payment of all damages which may be caused, either to persons or to property, by reason of the permitted display and arising from any acts of the permittee, his/her agents, employees or subcontractors.

**Section 220.040. Exemptions From Prohibition of Sale, Etc.** [R.O. 2012 §220.040; CC 1979 §11-4; Ord. No. A-1545 §4, 11-5-1956; Ord. No. 8437 §1, 5-20-2016]

A. Fireworks may be sold within the City limits only in tents or other temporary structures located in any area zoned as Zone C (Local Business), Zone LC (Light Commercial), Zone D (Industrial) or Zone LD (Light Industrial) so long as the prospective applicant meets the following requirements.

1. All applicants must submit their applications to the Building Development Department at least five (5) days prior to the issuance of a permit.
2. Applicants must first obtain an approved City of Monett business license by submitting a copy of the applicant's current Missouri sales tax license, provide a statement from the Missouri Department of Revenue pursuant to Section 144.083.4, RSMo., stating no tax is due and provide proof of State licensing from the Missouri Division of Fire Safety. The statements required by this Section shall be dated within ninety (90) days of submission of the business license application.
3. Tents or portable structures used for the sale of fireworks must be a minimum of fifty (50) feet from any other structure or building. The distance increases to one hundred (100) feet from a gas station or location containing hazardous/flammable materials.
4. Tents or portable structures may be erected three days prior to the start of sales and must be removed no later than three days after the conclusion of the sales time period.
5. Tents or portable structures must be inspected by the Building Inspector and Fire Code Inspector prior to the sale of any fireworks.
6. "No Smoking" and "Fireworks" signs shall be placed on the inside and outside of the fireworks stand. Exit signs shall designate the location of primary exit points. There shall be at least two (2) approved fire extinguishers. Additional fire extinguishers shall be required for tents larger than two hundred (200) square feet with the number to be determined by the Fire Chief.
7. No person shall sell fireworks within the City except for the period beginning at 8:00 A.M. on June 20 through 6:00 P.M. on July 10.

B. Any person convicted of possessing or selling any fireworks in violation of this Section shall be punished by the imposition of a fine of not more than five hundred dollars

(\$500.00) or by a sentence of confinement of not more than ninety (90) days, or by both such fine and sentence of confinement.