



CITY OF PLATTE CITY
FIREWORKS STAND/TENT APPLICATION

Date _____

Applicant Information:

Applicant's Name _____ PHONE _____

Applicant's Business Name: _____

Address _____
Street City, State Zip

Phone _____ Emergency Phone _____

Stand Location: _____

Property Owners Name: _____ Phone: _____

Emergency Contact at Stand: _____ Emergency Phone for Stand: _____

Number of People Sleeping overnight in stand: _____

Size of Tent: _____ Is tent flame resistant: _____

How will tent be anchored: _____

Application only Requirements

Written location approval by property owner _____

Certificate of Insurance (must provide copy) attached
(Naming Property Owner, City and Fire District
as additional insured) _____

Copy of Missouri Distribution License and Retail Sales License _____

Clean up deposit (must be made at time of application): \$1,000.00 _____

Scale diagram of proposed location, stand/tent set up detailing
aisle ways, exits, and fire extinguisher locations attached Yes No

Code Requirements (see attached) these requirements must be satisfied before issuance of a permit.

STANDS/TENTS MAY BEGIN SET UP ON JUNE 10TH AND MUST BE IN COMPLIANCE WITH CITY CODE BEFORE A PERMIT WILL BE ISSUED PERMITS WILL BE ISSUED WITHIN 48 HOURS OF COMPLIANCE.

SIGNATURES BELOW WILL BE OBTAINED BY THE CITY ONCE APPLICATION IS SUBMITTED.

Application Approval (Platte City Codes Enforcement): Application Approval (City Clerk):

Alan Gustin, Codes Enforcement

Amy Edwards, City Clerk

Application Approval by Board of Aldermen:

Date _____ Resolution # _____

Additional Information (Staff Use Only):

CHAPTER 220: FIREWORKS

Editor's Note--Ord. no. 1648 §1, adopted January 27, 2010, repealed ch. 220 'fireworks' and enacted new provisions set out herein. Former ch. 220 derived from CC 1992 §§225.010--225.050; R.O. 1979 §§9.600, 9.650; ord. no. 275 §4, 6-20-73; ord. no. 447 §§1--3, 6-21-88; ord. no. 498 §2, 6-26-89; ord. no. 541 §2, 3-25-91.

SECTION 220.010: DEFINITIONS

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

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, 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.

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, UNO335, 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. (Ord. No. 1648 §1, 1-27-10)

SECTION 220.020: LIMITED PERMISSION FOR THE SALE AND DISCHARGE OF FIREWORKS WITHIN THE CITY OF PLATTE CITY

The Board of Aldermen hereby grants permission in accordance with the provisions of this Chapter for the limited sale and discharge within the City of consumer fireworks. Only fireworks commercially produced and prepackaged fireworks. Except as expressly set forth in this Chapter all other sales and discharges of fireworks are prohibited. (Ord. No. 1648 §1, 1-27-10)

SECTION 220.030: 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 of Platte City except permitted consumer fireworks may be sold between 10:00 A.M. and 11:00 P.M. June twentieth (20th) to July fourth (4th). (Ord. No. 1648 §1, 1-27-10)

SECTION 220.040: LICENSE REQUIRED

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

1. Applications for fireworks stand/tent licenses shall be made on or before the second (2nd) Monday in May of each year to the City Clerk. Said applications must be approved by the City Clerk pursuant to the requirements outlined in this Chapter.
2. License fee for said fireworks license shall be fifteen hundred dollars (\$1,500.00). Said fee shall include the cost of occupational license and temporary sign permit(s). Licensee agrees to comply with all City ordinances relevant to occupation licenses and temporary sign regulations set forth in the Platte City Code (see Section 405.605 temporary sign regulations).
3. The applicant receiving a license for the sale of fireworks shall, in addition to the license fee, deposit one thousand dollars (\$1,000.00) for a cleanup fee. The full amount of the deposit will be refunded to the license holder upon successful demonstration to the Codes Enforcement Officer that licensee has cleaned the location of trash, litter, debris, signs, and temporary structures.
4. Before any permit is issued by the City, the location as well as the following requirements for the sale and safety of the fireworks stand shall first be approved by the City exercising reasonable regard for the public welfare and safety and with due regard to Chapter 320, RSMo., 1959, as amended. One (1) fire extinguisher every thirty-five (35) feet with minimum of one (1) air-pressurized water extinguisher shall be provided and kept in close proximity to the stock of fireworks in a stand/tent where fireworks are sold and/or stored.
5. 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.

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- c. A scaled diagram of the proposed location, stand/tent setup detailing aisle ways, exits, and fire extinguisher locations.
6. All permitted premises shall be required to provide restroom facilities for employees and customer use.
7. Before a permit will be issued, a certificate of insurance showing general liability coverage of no less than one million dollars (\$1,000,000.00) must be submitted and naming the City of Platte City, Central Platte Fire District, and the property owner as additional insured.
8. A permit for fireworks stand/tent will not be issued if said location is within three hundred (300) feet of another fireworks stand/tent.
9. No fireworks stand/tent shall be located in a residential area.
10. Fireworks shall not be sold or kept for sale in a place of business where paint, oils, varnishes, turpentine, or gasoline or other flammable substances are kept in unbroken containers, unless in separate and distinct section or department store.
11. Fireworks shall not be stored, kept, sold or discharged within one hundred fifty (150) 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, except stores where cleaners, paints, and oils are handled in sealed containers only.
12. Fireworks shall not be ignited, discharged, or otherwise used within one hundred (100) feet of any location where fireworks are sold, stored, or offered for sale.
13. After preliminary approval by the City Clerk, an inspection by the City codes enforcement and/or Department of Public Safety and/or fire district before issuance of a permit will be required.
14. In the event of a denial of an application by the City Clerk, the applicant may file an appeal to Board of Aldermen to review the decision of the City Clerk in denying the application for issuance of a fireworks license for sale or display for sale of fireworks. Such appeal shall be heard by the Board of Aldermen following public hearing within thirty (30) days of receipt of the denial of the application and recommendation by the City Clerk. The Board of Aldermen shall make the decision by motion and shall set forth the grounds for granting or denial of the license.
15. Any applicant or licensee aggrieved by a decision of the Council may appeal such decision to the Circuit Court as provided in Chapter 536, RSMo., provided such appeal is filed within ten (10) days of the Council's decision. The Board of Aldermen may delay implementation of an order pending appeal.

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16. No cardboard or paper may be stored underneath of storage trailers.
17. All fireworks stands/tents must comply with State and Federal regulations. (Ord. No. 1648 §1, 1-27-10; Ord. No. 1683 §1, 3-9-11)

SECTION 220.050: SELLERS TO DISPLAY SIGN

- A. Every person who sells or displays for sale any fireworks shall display in a conspicuous place a sign or placard, printed in bold letters not less than one and one-half (1½) inches in height, containing the following information:

NO FIREWORKS MAY BE DISCHARGED WITHIN 100 FEET

FIREWORKS FOR SALE--KEEP OPEN FLAME AWAY
NO SMOKING ALLOWED
SHOOTING OF FIREWORKS
IS PROHIBITED

IN CITY PARKS AND OTHER PUBLIC PROPERTY

CONSUMER FIREWORKS MAY ONLY BE
DISCHARGED DURING THE FOLLOWING DATES AND TIMES:
(June 20th--July 3rd from 10:00 AM to 10:00 PM)
(July 4th from 10:00 AM to Midnight)

CONSUMER FIREWORKS MAY ONLY BE SOLD

- B. Exits signs shall be required to be self luminous or internally or externally illuminated. (Ord. No. 1648 §1, 1-27-10; Ord. No. 1683 §2, 3-9-11)

SECTION 220.060: 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 of Platte City. (Ord. No. 1648 §1, 1-27-10)

SECTION 220.070: 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 of Platte City except permitted consumer fireworks may be discharged on private property:

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1. June twentieth (20th) to July third (3rd) between the hours of 10:00 A.M. to 10:00 P.M., and

2. July fourth (4th) between the hours of 10:00 A.M. to Midnight;

unless any of said days fall on a Sunday, in which case permitted consumer fireworks may not be discharged before noon on that day.

No person shall discharge any fireworks in such a manner as to threaten or to injure another.

B. Except as otherwise set forth in this Chapter, it shall be unlawful for any person to discharge or shoot any type of fireworks at any time in or on any public park or public grounds of the City, unless the Board of Aldermen grants express approval therefore. (Ord. No. 1648 §1, 1-27-10)

SECTION 220.080: 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 at least eighteen (18) years of age.
- 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 at least eighteen (18) years of age.
- C. It is unlawful to explode or ignite fireworks within six hundred (600) feet of any church, hospital, mental health facility and school or within one hundred (100) 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 or any non-permanent structure where fireworks are stored, sold or offered for sale.
- 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

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notification and approval of the local fire district or the State Fire Marshal. (Ord. No. 1648 §1, 1-27-10)

SECTION 220.090: FIRE EMERGENCY -- USE OF FIREWORKS

- A. During any period or periods of dryness and increased danger of fire within the City and after consulting with the District Fire Chief or in his/her absence the Deputy Fire Chief, the Mayor or, in his/her absence, such other individual designated by the Board of Aldermen of said City shall be authorized to declare a fire emergency for such length of time as said emergency conditions exist. He/she shall have the power to regulate the usage of all fireworks and banning of all outside burning within the City of Platte City. The Mayor or his/her designate shall have the power to do any one (1) or more of the following:
1. Limit the type of fireworks that may be discharged in the City.
 2. Ban all discharge of fireworks within the City.
 3. Prohibit the sale of fireworks within the City.
 4. Ban all outside burning.
- B. In the event such emergency is declared by the Mayor or such other designated representative of the City of Platte City as provided hereinabove, a notice of the declaration of such emergency and the regulation(s) of the discharge or sale of fireworks during said fire emergency shall be posted in a public place within City Hall and at such other place or places as the Mayor or such other designated representative may deem reasonable and appropriate to inform the public of said fire emergency.
- C. Any violation of the regulations placed in effect during the period of any fire emergency shall be subject to a minimum fine of fifty dollars (\$50.00) and a maximum fine of five hundred dollars (\$500.00) for each violation and each subsequent violation of this Section. (Ord. No. 1648 §1, 1-27-10)

SECTION 220.100: PENALTIES

- A. Any individual cited for 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

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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) and not more than five hundred dollars (\$500.00), or imprisonment, or both. Each such unlawful act shall constitute a separate offense. (Ord. No. 1648 §1, 1-27-10)