

## Chapter 66-Fireworks

(ORD #16-99)

(ORD #21-09)

### Chapter 66-Fireworks

#### **66.010. Fireworks.**

For purposes of this Chapter, the term fireworks shall mean and include any combustible or explosive compositions or any substance or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation.

#### **66.020. (ORD #21-09) Provisions for storage, licensing and selling.**

- 1.** It shall be unlawful for any person, firm or corporation to store, sell or offer for sale fireworks of any type within the city limits, provided, however, notwithstanding any ordinance or fire code provision of the contrary, sale of fireworks shall be permitted by local, nonprofit, religious or community service organizations within the city limits for a period not exceeding seven (7) days prior to the fourth (4th) day of July and ending at 12:00 o'clock, midnight on the said fourth (4th) day of July of each year. 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 kept in a separate and distinct section or department of the said place of business. Two (2), five (5) pound fire extinguishers shall be provided and kept in close proximity to the stock of fireworks in all buildings and small stands temporarily erected to be used as a place for storing and selling fireworks only.
- 2.** The possession, manufacture, storage, sale, handling and use of fireworks are prohibited within the corporate limits of the City, except as follows:
  - a.** Except as authorized below for the storage and handling of certain Division 1.4G fireworks, the storage and handling of fireworks shall be permitted only in compliance with Chapter 66.020 and 66.030 of the Holden City Code.
  - b.** The possession and use of Division 1 fireworks shall be permitted only in accordance with Chapter 66 of the Holden City Code.
  - c.** The possession, storage, handling and use of certain Division 1.4G fireworks shall be permitted within the corporate limits of the City, provided such fireworks comply with Chapter 320 Revised Statutes of Missouri, 11 CSR 40-3.010, CPSC 16 CFR, Parts 1500-1507, DOT 49 DFR, Parts 100-178, and all applicable Ordinances and Codes of the City of Holden, Missouri, except that it shall be unlawful for any person to possess, store, handle, or use, within the corporate limits of the City, the following Division 1.4G fireworks:
    - i.** Rockets on a stick;

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- ii. Missiles with fins or rudders for the purpose of achieving aerodynamic flight; and
- iii. Roman Candles with or without spikes, identified by the word "Candle" on the label with the following wording on the caution label: "WARNING SHOOTS FLAMING BALLS" or "WARNING SHOOTS FLAMING BALLS AND REPORTS", and not including California Candles or Illuminating Torch with the following wording on the caution label: "CAUTION EMITS SHOWERS OF SPARKS" and single or multi-shot parachutes, with night or daytime effects.
- d. The possession or discharge of Division 1.4G fireworks, as authorized by this Section shall be allowed only by permit. The permit shall contain the name, address, and location of the intended use and shall be in the form approved by the City Clerk. The permit may be obtained from the City Clerk or other designated representative.
- e. The use of Division 1.4G fireworks within the City limits shall only be permitted on July 2 and 3 of each year between the hours of 10:00 A.M. and 11:00 P.M., on July 4 of each year between the hours of 10:00 A.M. and Midnight, and in July 5 of each year between the hours of 10:00 A.M. and 11:00 P.M.
- f. It shall be unlawful for any person to throw, use, explode, detonate, aim, point or shoot fireworks, including pyrotechnic devices, in such a manner that, after it is ignited, will propel it, or any part thereof, such that it, or any part thereof, lands on property not owned by the person shooting the fireworks.
- g. It shall be unlawful for any person to throw, use, detonate, or shoot fireworks within any structure.
- h. It shall be unlawful for any person to throw, use, explode, detonate, or shoot fireworks with one hundred (100) feet of any church, hospital, mental health facility, school, or within one hundred (100) feet of any location where fireworks are stored, sold, or offered for sale.
- i. No person shall use, explode, detonate, or shoot fireworks within, or throw the same from, a motorized vehicle including watercraft or any other means of transportation, except where a display permit has been issued for a floating vessel or floating platform, nor shall any person place or throw any ignited firework into or at a motorized vehicle including watercraft or any other means of transportation, or at or near any person, group of people, or animal.
- j. No person shall throw, use, explode, detonate, or shoot fireworks within three hundred (300) feet of any

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permanent storage or ignitable liquid, gasses, gasoline pump, gasoline filling station, or any nonpermanent structure where fireworks are stored, sold or offered for sale.

**k.** Notwithstanding the provisions of the Holden City Code to the contrary, the prohibitions of the City Code regarding control of noise and sound shall not be applicable to any lawful discharge or Division 1.4G fireworks authorized by this Section.

**l.** It shall be unlawful for any person under the age of 16 years, unless under the supervision of a parent or guardian, to possess or discharge Division 1.4G fireworks with the City limits.

### **66.030. (ORD #16-99) Application for permit.**

**1.** Any such person, firm or corporation making application for a permit shall file a written request with the city clerk not less than thirty (30) days prior to the 4th day of July, accompanied by a fee of \$100.00 per location. If the application is not approved by the City Council, the \$100.00 fee shall be returned to applicant. If such application is approved, then the total fee shall be the \$100.00 paid with the application and three percent (3%) of the gross for each location, which shall be paid to the City within ten (10) days after the 4th day of July.

**a.** All permits issued and approved are personal to the applicant and nontransferable. The sale of fireworks or operation of place of sale by any one other than the permittee shall void the permit and cause forfeiture of the permit fee.

**2.** (ORD #16-99) All applications shall contain the name of the applicant, a detailed description of the location of the sale site or sites, the type of structure from which sales are to be made, and the location and type of structure in which the fireworks are to be stored. The location of any sale site is restricted to property which is zoned for commercial or industrial use. In determining whether to grant an application for permit, the City Council shall consider the type, composition, and ordinary usage of the building or structure where the fireworks will be sold and stored; the type, composition, and usage of the building or structure where the fireworks will be sold and stored; the type, composition, and usage of surrounding buildings or structures, the proximity of surrounding buildings or structures to the storage and sale location; the availability and response time of fire protection; and any other factors relating to health and safety issues. The granting or denial of applications for permits shall be at the sole discretion of the City Council.

### **66.040. Use of fireworks with aerial trajectory prohibited.**

Provided further, notwithstanding any ordinance or fire code provisions to the contrary, it shall be unlawful for any person to possess, throw, use,

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explode, detonate, or shoot, within the city limits, bottle rockets, rockets of all types and sizes and any all fireworks with an aerial trajectory having a cylinder or cartridge holding a propellant charge, which cylinder or cartridge is not intended to be completely consumed before landing.

### **66.050. Use of other fireworks limited.**

It shall be unlawful for any person to throw or place any fireworks, including pyrotechnic devices, in such manner that the explosion of same will be likely to endanger or cause injury or damage to any person or property; provided further, that it shall be unlawful for any person to shoot or detonate fireworks of any nature within the city limits except on July 2 through July 5 between the hours of 8:00 A.M. and 11:00 P.M.

### **66.060. Penalty.**

Whenever an individual or corporation permits any act which is prohibited under the provisions of Chapter 66 regarding possession, manufacture, storage, sale, handling, and use of fireworks within the corporate City limits of Holden, then upon conviction of a violation of such provisions of this Code, the violator shall be punished by a fine or not less than Twenty Five Dollars (\$25.00) and not exceeding Two Hundred Fifty Dollars (\$250.00), or by imprisonment in the City of County jail not exceeding ninety (90) days or by such fine and imprisonment.