

Sec. 13-44. - Same—Amendments.

*Explosives and Fireworks.*

Section 5601.1.3 is amended to read as follows:

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited within the corporate limits of the City, except as follows:

1. 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 Section 5604.
2. The manufacture, assembly and testing of fireworks shall be permitted only in compliance with Section 5605.
3. The possession and use of Division 1.3G fireworks shall be permitted only in accordance with Section 5608.
4. 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 of the Revised Statutes of Missouri, 11 CSR 40-3.010, CPSC 16 CFR, Parts 1500-1507, DOT 49 CFR, Parts 100-178, and all applicable Ordinances and Codes of the City of Lee's Summit, 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:
  - a. Rockets on a stick;
  - b. Missiles with fins or rudders for the purpose of achieving aerodynamic flight; and
  - c. 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 effects.
5. 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 Director of Finance. The permit may be obtained at the point of sale within the city, the city web page, or from the Director of Finance. One such permit shall be required per household or address at which the discharge will occur.
6. 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.
7. 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.
8. It shall be unlawful for any person to throw, use, explode, detonate, or shoot fireworks within any structure.
9. It shall be unlawful for any person to throw, use, explode, detonate, or shoot fireworks within six hundred (600) 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.

10. 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.
11. No person shall throw, use, explode, detonate, or shoot fireworks within three hundred (300) feet of any permanent storage of ignitable liquid, gases, gasoline pump, gasoline filling station, or any nonpermanent structure where fireworks are stored, sold or offered for sale.
12. Notwithstanding the provisions of the Lee's Summit City Code to the contrary, the prohibitions of Chapter 17, Article IX, "Regulations Regarding Control of Noise and Sound" shall not be applicable to any lawful discharge of Division 1.4G fireworks authorized by this Section 3301.1.3.
13. It shall be unlawful for any person under the age of sixteen (16) years, unless under the supervision of a parent or guardian, to possess or discharge Division 1.4G fireworks within the City limits.

*Section 5601.2.2* is amended to read as follows:

5601.2.2 Sale and retail display.

1. General. No person, firm, or corporation shall construct a retail display for, sell, or offer for sale, explosives, explosive materials, or fireworks within the corporate City limits, except as allowed for permitted blasting operations and commercial fireworks displays, and except that the retail display and sale of certain Division 1.4G fireworks shall be permitted within the corporate City limits by nonprofit, religious or community service organizations for the period beginning 6:00 a.m. on June 23 and extending through midnight on July 4 of each year. Notwithstanding the foregoing, it shall be unlawful for any person, firm, or corporation, including nonprofit, religious or community service organizations, to construct a retail display for, sell, or offer for sale, within the corporate City limits, the following Division 1.4G fireworks:
  - A. Rockets on a stick;
  - B. Missiles with fins or rudders for the purpose of achieving aerodynamic flight; and
  - C. 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 effects.
  - D. All nonprofit, religious or community service organizations selling Division 1.4G fireworks as authorized herein shall comply with Chapter 320 of the Revised Statutes of Missouri, 11 CSR 40-3.010, CPSC 16 CFR, Parts 1500-1507, DOT 49 CFR, Parts 100-178, and all applicable Ordinances and Codes of the City of Lee's Summit, Missouri.
2. Retail Sales License Required. No person shall construct a retail display for, sell, or offer for sale at retail, Division 1.4G fireworks as authorized by Subsection 1 of this Section 5601.2.2 without a license issued pursuant to this Subsection 2. It shall be unlawful for any person to sell fireworks from a car or truck or in any other manner except from a structure or stand licensed to sell fireworks pursuant to this Section.

- A. *Application period, limitation on number of licenses and locations.* The Director of Planning and Development or his or her designee will accept license applications between 8:00 a.m. on April 1 and 5:00 p.m. on April 3 of each year. In the event that April 1, 2 or 3 for any given year falls on a Saturday, Sunday or legal holiday, the period for accepting license applications shall be proportionally extended so that a total of three (3) business days shall be available for the submission of applications. No application will be accepted without a completed application in the form provided by the Director of Planning and Development, proof of state permit, proof of insurance, security plan, security deposit, and all necessary supporting documents. No more than twenty (20) licenses shall be issued for the retail sale of fireworks in the City in any year. Only one application may be filed on behalf of an entity for a particular location, and any additional applications filed on behalf of the same entity for a particular location will not be considered. Once an application is filed, the information contained therein may not be revised or altered; provided, however, that the identity of an entity and the proposed location may be changed by written request received by the Director of Planning and Development within forty-eight (48) hours of the filing of the application. Only one license can be issued for an application and only one license will be issued for each particular location. Each year nineteen (19) licenses shall be reserved for nonprofit, religious or community service organizations located and operating in either the City of Lee's Summit or the Lee's Summit R-7 School District ("Local Organizations") and one license shall be reserved for a national nonprofit organization which has an office located inside the City of Lee's Summit (e.g. the Red Cross) ("Outside Organization"). In the event that an application is not filed on behalf of an Outside Organization the remaining license may be granted to a Local Organization. In the event that nineteen (19) applications are not filed on behalf of Local Organizations the remaining licenses may be granted to Outside Organization. Applications to be considered for the twenty (20) licenses shall be selected by lottery in the following manner. First, each applicant shall draw a number at random at the time of filing the application. The Director of Planning and Development, or his or her designee, shall record the number drawn with the applicant's application. The names of the applicants shall be listed in numerical, sequential order of the numbers so drawn, together with the designation of whether the applicant is a Local Organization or Outside Organization. The first nineteen (19) Local Organizations listed and the first Outside Organization listed shall be considered for the twenty (20) available licenses. In the event that the number of Local Organizations and Outside Organizations applying do not meet the amount of licenses reserved for the respective class, the remaining licenses may be awarded to qualified applicants of the other class. The license fee must be paid prior to the erection of any tent or other such structure that will serve as the point of sale. All applicants who obtain a license under this section will also be required to obtain a Special Events Permit from the Department of Planning and Development and pay the Special Events Permit Fee. The Special Events Permit Fee must be paid within forty-eight (48) hours of notification of selection for issuance of a license or the application will be deemed denied and the next applicable application shall be considered in numerical, sequential order as determined by the lottery.
- B. *Proof of State permit.* No application will be accepted without proof of a valid permit issued by the Missouri Department of Public Safety for the retail sale of consumer fireworks.

- C. *Proof of insurance.* No application will be accepted without proof of general liability insurance in the amount of no less than one million dollars (\$1,000,000.00) per occurrence and a two million dollars (\$2,000,000.00) aggregate limit, and covering liabilities arising from the retail sale of fireworks during the term of the coverage shall be submitted with every application. The amount of the insurance shall not be subject to reduction of the aggregate limit as a result of occurrences at locations not operated by the seasonal retailer.
- D. *Setup and removal of stands—Bond or security required.* No temporarily licensed stands, nor any signs approved as part of the Special Event Permit process, may be setup before June 23 of the licensed year. All licensees must display at the stand location a thirty-two (32) square foot banner which recites the identity of the licensee. This banner must be attached between two poles securely placed in the ground. All licensees must also display near the cash register (or other place of checkout) a sign of at least twelve (12) inches by twelve (12) inches which recites the identity of the licensee. As a condition of approval of the license application, all licensees must immediately remove any sign after being informed by City staff that the sign violates the licensee's approved sign plan. It shall be the duty of the licensee to completely remove all temporary licensed stands and signs, and to clear the site where such stand and signs were erected of all debris and trash on or before July 7<sup>th</sup> of the same year. All applicants for a license shall furnish a cash deposit, performance bond, letter of credit, or other security approved in content and form by the City Attorney, in the face amount of one thousand dollars (\$1,000.00) to secure performance of the licensee's obligations under this section. If any persons licensed under this section shall fail to comply with any provisions of this section, then the bond or other security furnished with the license application shall be forfeited to the City.
- E. *Security plan.* At the time of application, every applicant shall provide a narrative description of its security plan to secure the premises when not open to the public, including the evidence of the qualifications of the security guard or guards. At a minimum, the security plan shall provide the following:
  - i. The stand/tent shall be secured and a guard present any time the business is not open to the public.
  - ii. The security guard shall be properly and validly licensed pursuant to the City Code.

*Section 5601.2.4* is amended to read as follows:

3301.2.4 Financial responsibility. Before a permit is issued, as required by Section 3301.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of two million dollars (\$2,000,000.00) or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The Fire Code Official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.