

## CHAPTER 215: FIREWORKS

*Editor's note—Ord. No. 2010-4, § 1, adopted Jan. 25, 2010, repealed and replaced Ch. 215. Former Ch. 215 pertained to similar subject matter and derived from Ord. No. 29076, § 4, adopted Aug. 10, 2009; Ord. No. 27052, § 1, adopted Apr. 23, 2007; Ord. No. 032795-A §1, 3-27-05; Ord. No. 24005 §1, 1-26-04; Ord. No. 22024 §1, 3-25-02; Ord. No. 99019 Art. 1, 5-10-99; Ord. No. 98043 Art. 1, 7-27-98; Ord. No. 052179-A §§66.010, 66.035, 5-21-79; and CC 1976 §§66.010—66.040.*

### 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. Other common names for an Aerial Luminaire are, Chinese Sky Lantern, Hawaii Sky Lantern, Sky Lantern, Kongming Lantern, Flying Lanterns, Floating Lanterns, Sky Candles, or Wish Candles, to name a few. They are also described as a miniature, unmanned air balloon that relies on an open flame as a heat source to heat the air inside the lantern with the intention of causing it to lift into the atmosphere, which are typically made of rice paper or flame resistant paper with a flammable fuel cell or candle in the opening to heat the inside air.

**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. (Ord. No. 2010-4, § 1, 1-25-10; Ord. No. 2013-061, § 1, 9-9-13)

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

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. (Ord. No. 2010-4, § 1, 1-25-10; Ord. No. 2013-061, § 2, 9-9-13)

#### **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 of Raymore except permitted consumer fireworks may be sold between 10:00 A.M. June twenty-eighth (28th) to 10:00 P.M. July fourth (4th). (Ord. No. 2010-4, § 1, 1-25-10)

#### **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.

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. Said applications must be approved by the City Clerk pursuant to the requirements outlined in this Chapter.
2. Permit fee for said fireworks permit shall be approved by the Governing Body and listed in the Schedule of Fees and Charges approved by Council resolution and maintained in the City Clerk's office.
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 sketch plan of the proposed tent area indicating access points to the site and parking areas.
4. 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 as 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 residence, 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 and the Fire Marshal will inspect and approve the 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 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. (Ord. No. 2010-4, § 1, 1-25-10)

**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:

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 (Ord. No. 2010-4, § 1, 1-25-10; Ord. No. 2013-074,  
§ 1, 10-28-13)

**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 of Raymore. (Ord. No. 2010-4, § 1, 1-25-10)

**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 of Raymore except permitted consumer fireworks may be discharged:
  - 1. Between 10:00 A.M. and 10:00 P.M. on 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 on that day.
- 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 street, public sidewalk, public park, public grounds or

within the business district of the City, unless the City Council grants express approval therefor. The City Council, by resolution, may permit the discharge or shooting 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.

- C. It shall be unlawful at any time to ignite, discharge, light, fly, release into the atmosphere, or otherwise use aerial luminaires, as defined in Section 215.005. (Ord. No. 2010-4, § 1, 1-25-10; Ord. No. 2013-061, § 3, 9-9-13)

**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 six hundred (600) feet of any church, hospital, mental health facility, 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 notification and approval of the local fire service or the State Fire Marshal. (Ord. No. 2010-4, § 1, 1-25-10)

**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. Licensee violates any provision of Chapter 215.
  - 2. Licensee does not comply with the requirements of Chapter 435: Signs of the Unified Development Code.
  - 3. Licensee does not immediately correct a violation of City Code when contacted by the City Code Enforcement Officer or designee.

- 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. (Ord. No. 2010-4, § 1, 1-25-10)

**SECTION 215.080: 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 the penalties prescribed in Section 100.220.
- B. Any individual cited for selling or offering for sale fireworks in violation of this Chapter shall be subject to immediate confiscation of any prohibited fireworks and the penalties prescribed in Section 100.220. (Ord. No. 2010-4, § 1, 1-25-10)