

## Article 17 – Sale of Consumer Fireworks

### *Section 338: Purpose*

- A. It shall be unlawful for any person to sell, offer to sell, or expose for sale any fireworks or any type whatsoever within Franklin County without first having obtained a separate “seasonal consumer firework” permit for each location at which fireworks are sold or offered for sale from the Planning and Zoning Department.
- B. The Planning and Zoning Department is authorized to issue to any person a “seasonal consumer firework” permit for the sale of fireworks now or hereafter classified as “Consumer fireworks, UN0336, 1.4 G” by the United States Department of Transportation. Permits shall be issued for seasonal consumer fireworks outlets located in the permitted zoning districts as defined in Article 7 of the Franklin County Land Regulations.

### *Section 339: Application*

A **COMPLETE** application for a “seasonal consumer fireworks” permit shall be submitted to the Planning and Zoning Department. If an application is deemed incomplete, the check and the application will be returned to the applicant. An application shall not be considered complete unless it includes the following:

- A. Application form executed by the operator.
- B. A letter from the owner(s) of the property on which the stand is located authorizing the operation of a fireworks stand on the property.
- C. A cash deposit, irrevocable letter of credit or surety bond made payable to Franklin County in the amount of \$3,000 for each location to be operated by the applicant shall be submitted the first (1<sup>st</sup>) through fifth (5<sup>th</sup>) year of operation (with permit) in Franklin County. Such deposit, letter or bond shall ensure compliance with the provisions of this section, including but not limited to the removal of the stand, provisions for temporary electrical service and, the cleaning and restoration of the site upon which it is located in accordance with this section.
  1. Failure to comply with the provisions of this section or not remove the stand or restore the site as required, the county may do so or cause the same to be done and the reasonable cost thereof shall be charged against the licensee and the deposit, letter of credit or surety bond.
  2. Failure to clean and restore his/her site by July 15<sup>th</sup> could result in the applicant having a cash bond, irrevocable letter of credit or surety bond for \$3,000 for the next 3 years or a fireworks permit not being issued for any following year.
- D. A site plan showing the following:
  1. Address or site location with zoning indicated;
  2. Size of the lot and tent;
  3. Location of the tent(s) and all other structures or equipment including trailers, RVs, and storage units located on the lot;

4. Location of all existing driveway entrances and parking areas;
  5. Location of required on-site, off-street customer parking spaces (a minimum of one space per 250 square feet of sales area is required);
  6. Location of required restroom facilities (a minimum of one portable facility on-site is required);
  7. Location of dumpsters and or trash receptacles;
  8. Location of nearest fire hydrant if within 1000 feet;
  9. Location of any freestanding sign that is proposed to be placed on the property. If signs shall be placed on any other property within Franklin County, this information should be included with the site plan. The size of the sign(s) shall also be indicated;
  10. Other information as may be required by the county to ensure public health and safety.
- E. Approval of the driveway entrance from MoDOT if along a state right-of-way, and approval of driveway entrance from the County Highway Department are required if a new driveway is to be installed. If using an existing entrance, a signed statement that you will not be changing the approved entrance.
- F. Proof of a valid Missouri State Sales Tax Number.
- G. Proof of a Franklin County Business License.
- H. Applicable fee.

***Section 340: Fees***

Fees: The fee for each proposed location is based on when the **COMPLETE** application is submitted:

- A. If submitted prior to June 1 - \$300
- B. If submitted between June 1 and June 8 - \$600
- C. If submitted between June 9 and June 15 - \$1000
- D. Anything after June 15 will not be accepted.

***Section 341: General Standards***

The following standards shall be used for the review of any fireworks license and shall apply to the operation of the facility:

- A. A maximum of two semi-truck storage trailers or the equivalent area of trailer storage, per site, as determined by the Planning and Zoning Department. Additional storage may be permitted upon review and approval from the Planning Director.

- B. Seasonal consumer fireworks outlets shall comply with the provisions of the currently adopted Building Code and International Fire Code relative to Temporary Structures. All structures shall be erected in a manner that will reasonably ensure the safety of all occupants, patrons and surrounding property.
- C. Each outlet must have at least 2 exits. Exit locking devices, if any, shall be easily released from the inside without special knowledge, key or effort. Location of exits and maximum travel distance must comply with the Missouri Code of State Regulations for Fireworks.
- D. On-premise signage shall not be subject to the provision of the Unified Land Use Regulations but shall meet the following requirements:
  - 1. Signs shall be permitted June 15 thru July 15 ONLY.
  - 2. No searchlights or beacons are permitted.
  - 3. Off-premise signage will be allowed only in accordance with the current Unified Land Use Regulations of Franklin County.
  - 4. No signage may be attached to non-commercial vehicles.
  - 5. Signage may not extend more than ten (10) feet above or beyond the limits of the primary structure or commercial vehicle(s) associated with the business.
  - 6. No signage may be located in a public right-of-way or on public property.
  - 7. No on-premise sign may exceed 400 square feet.
  - 8. Any sign OVER 32 square feet must be approved and permitted by the Franklin County Building Department.
  - 9. Temporary off-premise signs may be permitted in accordance with the Unified Land Use Regulations for temporary signs. Such signs shall not be allowed for more than 30 days.
- E. Parking areas shall be paved or surfaced with material that is stable and will help to reduce dust and erosion, such as crushed stone, gravel, or other material. Each parking space shall be a minimum of 19 feet long and 9 feet wide. Parking spaces shall be demarcated whenever practicable. At no time shall cars be parked on the right-of-way.
- F. Sales of fireworks shall be permitted only during the period June 20 through July 10 each year. No sales shall be permitted prior to 8:00 am or after 12:00 midnight any day.
- G. Licensees shall not permit debris, wrappers or papers to accumulate on the premises and dumpsters shall be emptied as necessary to maintain the premises in a clean and orderly manner.

H. Licensees and employees shall not attract customers by means of flagging vehicles or engage in any activity which obstructs or interferes with the free flow of traffic upon any street or highway.

***Section 342: Violations***

- A. Any permit granted hereunder may be suspended and all sales prohibited by the Code Enforcement Officer and/or his/her designee upon violation of any of the provisions listed in this section.
- B. If the County finds the licensee or employees in violation, that licensee or employee will receive a hand delivered notice of violation. A fine of up to \$1,000 a day, from the day of notification will be charged and the site will be required to shut down all operations until the violation is corrected.
1. If the notification occurs before 12:00 pm, the applicant will have up to four (4) hours to shut down all operations.
  2. If the notification occurs after 12:00 pm, the applicant will not be able to open the stand the following day.
- C. The Franklin County Municipal Court shall have jurisdiction with respect to violations of this section except that violations that would threaten or pose a danger to the public health, safety or welfare. In the event the violation is a threat or a danger to the public health, safety or welfare, the County has the right to issue a cease and desist order and may do so being accompanied by a Sheriff Deputy.
- D. Any licensee whose permit has been suspended and does not fix the violation shall not receive a fireworks permit any following year.