



NIXA FIRE PROTECTION DISTRICT

301 South Nicholas Rd ♦ Nixa, MO 65714
Emergency 911 ♦ Business (417) 725-4025 ♦ Fax (417) 725-2393
www.nixafire.org

To Whom It May Concern,

Each year with the celebration of our nations' independence, fireworks are a major part of the community's enjoyment. With this in mind, safety of these fireworks prior, during, and after the independence celebration is paramount. The Nixa Fire Protection District has taken a proactive approach in securing the safety of our community. Inspections will be conducted by a fire district representative before, during and after operation of the firework stand.

Along with safety inspections we are here to help you with your questions or any concerns. We appreciate your diligence and punctuality in this manner.

Respectfully,

Lloyd Walles
Fire Chief
Nixa Fire Protection District



NIXA FIRE PROTECTION DISTRICT

301 S. Nicholas Road Nixa MO 65714

Phone: 417-725-4025

Fax: 417-725-2393

www.nixafire.org

FIREWORKS TENT/STAND CHECK LIST

Company Name: _____

COMPLETE ITEMS:

- Nixa Fire District FIREWORKS STAND APPLICATION
- Nixa City Ordinance Chapter 11, Article II, Section 11-28-2 (Please Post at Register in Each Tent)
- Division of Fire Safety-Missouri Fire Marshal Permit Information
<https://dfs.dps.mo.gov/programs/fireworks/fireworks-display.php>
- Department of Public Safety Fireworks Permit Application
<https://dfs.dps.mo.gov/programs/fireworks/fireworks-sale.php>
- Department of Public Safety Missouri Fire Marshal Fireworks Retail Waiver
<https://dfs.dps.mo.gov/programs/fireworks/fireworks-display.php>
- SOS Code of State Regulations Division 40 Chapter 3-Fireworks
<https://www.sos.mo.gov/cmsimages/adrules/csr/current/11csr/11c40-3.pdf> (KEEP FOR YOUR RECORDS)
- Division of Fire Safety – Fireworks Unit Information Sheet
<https://dfs.dps.mo.gov/programs/fireworks/>
- Available Online Missouri Revised Statutes Chapter 320 Section 106-Fire Protection

ITEMS DUE BEFORE FIREWORKS TENT/STAND INSPECTION:

- Missouri State Retail License
- Missouri Division of Fire Safety Fireworks Permit
- Certificate of Liability Insurance
- Christian County Merchant License
- Nixa City Business License
- 2 Copies of SITE PLAN, see item #6 on Fireworks Stand Application



NIXA FIRE PROTECTION DISTRICT

301 S. NICHOLAS ROAD NIXA MO 65714

PHONE: 417-725-4025 Fax: 417-725-2393

www.nixafire.org

FIRE WORKS STAND APPLICATION

ALL FORMS CONTAINED IN THIS PACKET MUST BE RETURNED TO THE NIXA FIRE DISTRICT

COMPANY NAME

ADDRESS

CITY

STATE

ZIPCODE

PHONE

OWNERS NAME

ADDRESS

CITY

STATE

ZIPCODE

PHONE

STAND ATTENDANTS NAME

ADDRESS

CITY

STATE

ZIPCODE

PHONE

Documents to be included and remitted to the **NIXA FIRE DISTRICT** with application **before** fireworks inspection:

1. MO State Retail License
2. MO Division of Fire Safety Fireworks Permit
3. Certificate of Liability Insurance
4. County Merchant License
5. Nixa City Business License
6. 2 copies of a SITE PLAN showing electrical service, size of tent/stand, parking and temporary living quarters if they are remote from the tent/stand. A legal description of the property, the dimensions of the lot and locations and distances to existing buildings and property lines should be indicated on the site plan.

ALL FIREWORK TENT/STANDS MUST BE INSPECTED BEFORE OPENING TO SELL FIREWORKS.

Department of Public Safety
Division of Fire Safety
Fireworks Permit Application
Permit Year 2024

Mailing Address: P O Box 844
Jefferson City, Missouri 65102
Telephone: 573-751-2930
Fax Number: 573-526-4600
E-Mail Address:
firesafe@dfs.dps.mo.gov

**INSTRUCTIONS
FOR COMPLETING
FIREWORKS PERMIT APPLICATION**

Notice: If you are involved in Missouri's fireworks industry as a manufacturer, distributor, wholesaler, jobber or seasonal retailer, it is your responsibility to be familiar with and know Missouri law, RSMo. 320.106 through 320.161 and Missouri's Code of State Regulations || CSR 40-3.010.

Copy of the Missouri Revised Statutes and Missouri Rules pertaining to fireworks can be obtained from our website at www.dfs.dps.mo.gov or by calling 573-751-2930.

Permit applications may be obtained from the Division of Fire Safety or downloaded from our website at www.dfs.dps.mo.gov.

INSTRUCTIONS

To ensure prompt processing of Fireworks Permit Application please follow the check list below:

- Please print in ink or type.
- Complete all questions on application.
- Only cashier's checks, bank drafts, or money orders payable to the "Division of Fire Safety" will be accepted. (Cash or personal checks will not be accepted.)
- All applicants must submit a **Certificate of No Sales or Use Tax Due** and a **copy of the Missouri Retail Sales Tax License**. This must be obtained from the Missouri Department of Revenue. For example: If you are applying for five separate locations you must submit five sales tax licenses, each with a separate address of business, all will have the same sales tax number.
- All corporations must submit a current copy of their **Certificate of Good Standing** to commence business in Missouri. This may be obtained from the Missouri Secretary of State.
- All **manufacturers, distributors, jobbers, and wholesalers** shall submit their application and required documentation before **January 1**.
- **Please include a stamped, self-addressed, business envelope.**

ISSUANCE OF PERMIT

Allow a minimum of 30 days from the date the Division of Fire Safety receives an application for the permit to be issued. Applications received on or postmarked after the **January 1st** deadline may require a longer processing time.

SEND ALL INFORMATION TO: Investigations and Explosives Enforcement Unit, Missouri Division of Fire Safety, P.O. Box 844, Jefferson City, Missouri 65102



DEPARTMENT OF PUBLIC SAFETY
 DIVISION OF FIRE SAFETY
 PO Box 844, Jefferson City, MO 65102

Fireworks Permit Application
 Permit Year 2024

Name of Business:		Business Email Address:	
Owner of Business Or Responsible Person:			
Business Phone Number:		Business Fax Number:	
Mailing Address:			
City:	State:	Zip:	County:
Does your business sell display fireworks as defined in Chapter 320 RSMo. <input type="checkbox"/> YES <input type="checkbox"/> NO			
If yes, BATFE Federal License/Permit Number: _____ Expiration Date: _____			

Fireworks Product Purchased From:
 Business Name: _____ City: _____ State: _____

COMPLETE FORM BELOW LISTING ALL BUSINESS LOCATIONS FOR WHICH YOU ARE APPLYING. IF YOU ARE APPLYING FOR MORE THAN ONE LOCATION, YOU MUST SUBMIT A RETAIL SALES TAX LICENSE FOR EACH.

Address	City	State	County	Zip	Permit Type	Company Number

Permit Type and Fee Per Location				
(M) Manufacturer \$775	(D) Distributor \$775	(W) Wholesaler \$275	(J) Jobber \$525	(S) Seasonal Retailer \$50
Total Fee(s) Amount Enclosed: \$ _____				

I CERTIFY THAT I AM FAMILIAR WITH THE RULES AND REGULATIONS OF CHAPTER 320 RSMO AND ITS REVISIONS AS IT PERTAINS TO THE FIREWORKS INDUSTRY IN THE STATE OF MISSOURI.

 Signature Print Name Date



MISSOURI DIVISION OF FIRE SAFETY OFFICE OF THE STATE FIRE MARSHAL



Jobbers Fireworks Retail Waiver Form

To be completed by Missouri residents purchasing fireworks from a permitted jobber at all times other than June 20 through July 10 (inclusive) and December 20 through January 2 (inclusive).

Missouri Fireworks Regulation 11CSR40-3.010, Section (4)(E) states:

“Any sales by jobbers to non-permitted persons or entities during any period of time other than the fireworks season as defined in section 320.106(3), RSMo, shall be to nonresidents of Missouri, or to residents of Missouri only after a reasonable inquiry and a waiver signed by the buyer on a form provided by the state fire marshal indicating that the fireworks are for use outside of Missouri if the sale is a retail transaction.”

As a resident of the state of Missouri, you are hereby acknowledging you have read the above regulations and by completing this form, you are assuring that all fireworks purchased on the date below are for use outside of the state of Missouri.

<i>Date of Sale</i>	<i>Location of Sale</i>
<i>Print Name</i>	<i>Signature</i>
<i>City/State of Residence</i>	<i>Vehicle License & State</i>
<i>Date of Sale</i>	<i>Location of Sale</i>
<i>Print Name</i>	<i>Signature</i>
<i>City/State of Residence</i>	<i>Vehicle License & State</i>
<i>Date of Sale</i>	<i>Location of Sale</i>
<i>Print Name</i>	<i>Signature</i>
<i>City/State of Residence</i>	<i>Vehicle License & State</i>
<i>Date of Sale</i>	<i>Location of Sale</i>
<i>Print Name</i>	<i>Signature</i>
<i>City/State of Residence</i>	<i>Vehicle License & State</i>

Fireworks Sales and Use

[Home](#) » [Programs](#) » [Fireworks](#) » Fireworks-sale

The Division of Fire Safety is responsible for the enforcement of fireworks laws throughout Missouri. Approximately 1,350 permits are issued yearly to manufacturers, wholesalers, jobbers, distributors, and retailers of fireworks. In addition, the division is responsible for conducting inspections of any facility involved with fireworks. Each year, division inspectors and investigators confiscate and destroy numerous illegal fireworks before they can reach the public and cause serious injury, death, and destruction.

Any person or company that is considered a manufacturer, wholesaler, distributor, jobber, or seasonal retailer of fireworks, or someone who will conduct a special fireworks show, must receive a permit from the Missouri Division of Fire Safety.

Instructions to Complete Fireworks Application

- Please print in ink or type
- Complete all questions on application.
- Only cashier's checks, bank drafts, or money orders payable to the "Division of Fire Safety" will be accepted. (Cash or personal checks will not be accepted).
- All applicants must submit a [Certificate of No Sales or Use Tax Due](#) and a copy of the [Missouri Retail Sales Tax license](#). This may be obtained from your local [Missouri Department of Revenue](#). Note: If you are applying for five separate locations you must submit five sales tax licenses, each with a separate address of business, all will have the same sales tax number.
- All corporations must submit a current copy of their Certificate of Good Standing to commence business in Missouri. This may be obtained from the [Missouri Secretary of State](#).
- All manufacturers, distributors, jobbers, and wholesalers shall submit their application and required documentation and fees before Jan. 1.
- All seasonal retailers shall submit their application, required documentation and fees before May 31.
- Include a stamped, self-addressed, business envelope.
- Allow a minimum of 30 days for the permit to be issued. Applications postmarked after the deadline dates may require a longer processing time.



DIVISION OF FIRE SAFETY — FIREWORKS UNIT



The most common inspection violations are listed below. All fire safety inspection requirements are located under the Fireworks Rules on our website at www.dfs.dps.mo.gov.

If you do not have access to the web, please call 573-751-2930 and we will forward you a copy. These requirements will be ***strictly enforced*** during the 2023 Fireworks Season and any violations found and not corrected may result in suspension of the fireworks permit.



Fire Extinguishers

11 CSR 40-3.010.7.A .1. Every seasonal retail sales location shall have not less than two portable fire extinguishers with a minimum 2A rating, at least one of which shall be pressurized water type.

11 CSR 40-3.010.7.A .2. Temporary seasonal retail sales locations less than 200 square feet in area shall be required to have at least one portable fire extinguisher with a minimum 2A rating.



Required Signs

11 CSR 40-3.010.7.G.1. Exit signs shall be required to be self luminous or internally or externally illuminated.

11 CSR 40-3.010.7.G.2. Exit signs shall not be required to be illuminated in tents or stands that are not open for business after dusk or in temporary seasonal retail sales stands where the interior is not accessible to the public.

11 CSR 40-3.010.7.D.2. One or more signs reading, FIREWORKS NO SMOKING shall be displayed at each entrance of seasonal retail sales locations in letters not less than four-inches in height on a contrasting background.

11 CSR 40-3.010.7.C.2. At least one sign that reads as follows, in letters at least four-inches high on a contrasting background, shall be conspicuously posted at each entrance of seasonal retail sales locations: ***NO FIREWORKS DISCHARGE WITHIN 100 FEET.***



Site Requirements

11 CSR 40-3.010.7.B.1. The authority having jurisdiction shall require a certificate or other evidence of acceptance by an organization or laboratory of recognized standing or manufacturer verifying that the tent fabric material has been treated with a flame resistant material.

11 CSR 40-3.010.7.B.2. No hay, straw, shavings, or similar combustible materials that have not been treated to make them flame retardant shall be permitted within any seasonal retail sales location. Vegetation or grass within the location should also be treated with an approved flame retardant treatment. Flame retardant treatments are available through some fire extinguisher/equipment dealers.

11 CSR 40-3.010.7.B.3. The area located within 30-feet of a retail sales location shall be kept free of accumulated dry grass, dry brush, and combustible debris.

11 CSR 40-3.010.7.B.4. Fireworks shall not be displayed or stored behind glass through which direct sunlight will shine on the fireworks except for where the fireworks are in their original package.

11 CSR 40-3.010.7.E.1 No motor vehicle shall be parked within 10-feet of a seasonal retail sales location.

11 CSR 40-3.010.7.F.1. All means of egress from any temporary seasonal retail sales tent or stand shall remain clear and free of obstructions.

11 CSR 40-3.010.7.F.2. A minimum of two remote means of egress shall be located in a seasonal retail sales location.

11 CSR 40-3.010.5.D It is unlawful for any person under the age of 16 to sell fireworks or work in a facility where fireworks are stored, sold, or offered for sale unless under the supervision of an individual at least 18 years of age.



Emergency Lighting

11 CSR 40-3.010.7.G 3. Emergency lighting shall not be required in tents or stands that are not open for business after dusk or for temporary seasonal retail sales stands where the interior is not accessible to the public.

11 CSR 40-3.010.7.G.4. Emergency lighting shall be required in seasonal retail sales locations when the retail sales area is 800 square feet or greater.



FIREWORKS STAND PERMIT APPLICATION

Date: _____

Permit #: _____

APPLICANT INFORMATION

Company Name: _____ First/Last Name: _____

Mailing Address/City/State/Zip: _____

Phone: _____ Email: _____

PROPERTY INFORMATION

Owner Name: _____ Phone: _____

Email: _____

Property Address/Location: _____

Mailing Address: _____ City _____ State _____ Zip: _____

Signature of Applicant: _____ Date: _____

Printed Name: _____

CHECKLIST FOR FIREWORKS STAND PERMIT AND BUSINESS LICENSE

For Office Use Only	Date Received
_____ Business License Application (2 pages)	_____
_____ Copy of Retail Sales Tax License.	_____
_____ Detailed Site Plan. Date received.	_____
_____ Certificate of No Tax Due.	_____
_____ Copy of Bond or Certificate of Insurance of One Million Dollars.	_____
_____ Fireworks Permit issued by Fire Marshall	_____

Approved ___ Denied ___ Building Inspector Signature: _____

Approved ___ Denied ___ City Planner Signature: _____

Electric Meter Fee: _____ Permit Fee: \$ 100.00 **Total Fees:** _____



Rules of
Department of Public Safety
Division 40—Division of Fire Safety
Chapter 3—Fireworks

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**Title 11—DEPARTMENT OF
PUBLIC SAFETY**

**Division 40—Division of
Fire Safety
Chapter 3—Fireworks**

**11 CSR 40-3.010 Fireworks—Licensing,
Permits, Sales, Inspection, and Penalties**

PURPOSE: This rule explains the licensing/permit process for the sales, discharge, possession and inspections associated with consumer, display and proximate fireworks.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) The following definitions shall be used in interpreting this rule:

(A) *American Pyrotechnics Association (APA), Standard 87-1* (2004), PO Box 30438 Bethesda, MD 20824-0348; as incorporated by reference is a standard for manufacturers, importers and distributors of fireworks to assist them in accordance with applicable federal laws;

(B) Chemical composition, all pyrotechnic and explosive composition contained in fireworks devices as defined in *American Pyrotechnics Association (APA), Standard 87-1*;

(C) Consumer fireworks, explosive devices designed primarily to produce visible or audible effects by combustion and 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, Title 49 CFR (2003), 400 7th Street S.W., Washington, D.C. 20590, as incorporated by reference, and which were formerly classified as class C common fireworks by regulation of the United States Department of Transportation;

(D) Discharge site, the area immediately surrounding the fireworks mortars used for an outdoor fireworks display;

(E) Display site, the immediate area where a fireworks display is conducted, including the discharge site, the fallout area, and the required separation distance from mortars to

spectator viewing areas, but not spectator viewing areas or vehicle parking areas;

(F) Display 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;

(G) Distributor, any person engaged in the business of selling fireworks to wholesalers, jobbers, seasonal retailers, other persons, or governmental bodies that possess the necessary permits as specified in sections 320.106 to 320.161, RSMo including any person that imports any fireworks of any kind in any manner into the state of Missouri;

(H) Fireworks, any composition or device for producing a visible, audible, or both visible and audible effect by combustion, deflagration, or detonation and that meets the definition of consumer, proximate, or display fireworks as set forth by 49 CFR part 171 to end, United States Department of Transportation hazardous materials regulations, and *American Pyrotechnics Association, Standard 87-1*;

(I) Fireworks season, the period beginning on the twentieth day of June and continuing through the tenth day of July of the same year and the period beginning on the twentieth day of December and continuing through the second day of January of the next year, which shall be the only periods of time that seasonal retailers may be permitted to sell consumer fireworks;

(J) Illegal fireworks include fireworks whose explosive composition exceeds the limits for consumer fireworks or display fireworks, UN0336, 1.4G, UN0335, 1.3G and UN0431, 1.4G or UN0432, 1.4S by the United States Department of Transportation, and *American Pyrotechnics Association, Standard 87-1* including ground salutes commonly known as cherry bombs, M-80's, M-100's, M-1000's or other fireworks designated with an "M" prefix whose explosive composition exceeds the limits for consumer fireworks by the United States Department of Transportation;

(K) Jobber, any person engaged in the business of making sales of consumer fireworks at wholesale or retail, within the state of Missouri to nonlicensed buyers for use and distribution outside the state of Missouri during a

calendar year from the first day of January through the thirty-first day of December;

(L) Licensed operator, any person who supervises, manages, or directs the discharge of outdoor display fireworks, either by manual or electrical means; who has met additional requirements established by promulgated rule and has successfully completed a display fireworks training course recognized and approved by the state fire marshal;

(M) Manufacturer, any person engaged in the making, manufacture, assembly or construction of fireworks of any kind within the state of Missouri;

(N) NFPA, National Fire Protection Association, Standards 101 (2003 edition) as used in setting standards for proximate fireworks; 1123 (2000 edition); 1124 (2003 edition) as used in setting standards for display and proximate fireworks; and 1126 (2001 edition), #1 Batterymarch Park, PO Box 9101, Quincy, MA 02269, as incorporated by reference; an international codes and standards organization;

(O) Permanent structure, buildings and structures with permanent foundations other than tents, stands, mobile homes, and trailers;

(P) Permit, the written authority of the state fire marshal issued pursuant to sections 320.106 to 320.161, RSMo, to sell, possess, manufacture, discharge, or distribute fireworks;

(Q) Person, any corporation, association, partnership or individual or group thereof;

(R) Proximate fireworks, a chemical mixture used in the entertainment industry to produce visible or audible effects by combustion, deflagration, or detonation, as defined by the most current edition of the *American Pyrotechnics Association (APA), Standard 87-1*, section 3.8, specific requirements for theatrical pyrotechnics;

(S) Pyrotechnic operator or special effects operator, an individual who has responsibility for pyrotechnic safety and who controls, initiates, or otherwise creates special effects for proximate fireworks and who has met additional requirements established by promulgated rules and has successfully completed a proximate fireworks training course recognized and approved by the state fire marshal;

(T) Sale, an exchange of articles of fireworks for money, including barter, exchange, gift or offer thereof, and each such transaction made by any person, whether as a principal proprietor, salesman, agent, association, copartnership or one or more individuals;

(U) Seasonal retailer, any person within the state of Missouri engaged in the business of making sales of consumer fireworks in



Missouri only during a fireworks season as defined by subsection (I) of this section;

(V) Wholesaler, any person engaged in the business of making sales of consumer fireworks to any other person engaged in the business of making sales of consumer fireworks at retail within the state of Missouri.

(2) General Requirements: Licenses, Permits and Fees.

(A) Each firm or person engaged in the manufacture, transportation, wholesale or retail sales of consumer fireworks, public displays utilizing fireworks 1.3G, proximate and consumer fireworks 1.4G, proximate fireworks 1.4S theatrical, pyrotechnic special effects operators, licensed display fireworks operator shall have an applicable license or permit issued by the state fire marshal.

1. License by type:

A. Licensed operator, a fee of one hundred dollars (\$100) for three (3)-year license; and

B. Pyrotechnic or special effects operator, a fee of one hundred dollars (\$100) for three (3)-year license.

2. Permits by type:

A. Manufacturer, fee of seven hundred seventy-five dollars (\$775) per calendar year per location;

B. Distributor, fee of seven hundred seventy-five dollars (\$775) per calendar year per location;

C. Wholesaler, fee of two hundred seventy-five dollars (\$275) per calendar year per location;

D. Jobber, a fee of five hundred twenty-five dollars (\$525) per calendar year per location;

E. Seasonal retailer, a fee of fifty dollars (\$50) per calendar year per sales location;

F. Display fireworks, a fee of one hundred dollars (\$100) per calendar year per location;

G. Proximate fireworks display, a fee of one hundred dollars (\$100) per calendar year per location.

(B) All fees shall be paid by cash, money order, or check payable to the Missouri Division of Fire Safety and are nonrefundable or nontransferable except for overpayments resulting from mistakes of law or fact.

(C) All permits except for seasonal retailer shall be for the calendar year or any fraction thereof and shall expire on the thirty-first day of December each year.

(D) Seasonal retail permit(s) shall be valid from the twentieth day of June through the tenth day of July of the same year and the period beginning on the twentieth day of

December through the second day of January of the next year.

(E) No seasonal retail, wholesaler or jobber permit shall be issued to a person under the age of eighteen (18) years.

(F) No manufacturer or distributor permit shall be issued to a person under the age of twenty-one (21) years.

(G) No permit or license shall be transferable nor shall a person operate under a permit or license issued to another person or location.

(H) All original permits issued shall be made available for review at the location for which it was issued.

(I) Manufacturer, wholesaler, jobber and distributor permit holders operating out of multiple locations shall obtain a permit for each location.

(J) Upon determining that an applicant has furnished or supplied false information in applying for a license or permit or attempting to renew a license or permit, or has failed to notify the state fire marshal of any change in the information supplied in an application, the state fire marshal may refuse to license or permit the applicant or may revoke or suspend any license or permit issued to the applicant for a period of not more than three (3) years.

(K) The state fire marshal may refuse to issue a license or permit to any applicant when the permit or license of the individual, corporation or partner is under suspension or revocation. The state fire marshal may also refuse to issue a license or permit to a person who is a partner, shareholder, manager, officer, spouse or relative of the applicant or a party to the applicant or is in a position to obtain any financial gain should the application be granted during the period of suspension or revocation.

(L) The state fire marshal may refuse to issue a license or permit for a period not to exceed three (3) years to an applicant whose license or permit has been revoked for the possession or sale of illegal fireworks as referred to in section 320.136, RSMo.

(M) In addition to any other penalty, any person who manufactures, sells, offers for sale, ships or causes to be shipped into or caused to be shipped into Missouri for use in Missouri any items of fireworks without first having obtained the applicable permit or license shall be assessed a civil penalty of up to a one thousand dollar (\$1,000) fine for each day of operation up to a maximum of ten thousand dollars (\$10,000).

(N) Any person aggrieved by any official action of the state fire marshal affecting their license or permit status including revocation, suspension, failure to renew or refusal to

issue a license or permit may seek a determination by the Administrative Hearing Commission pursuant to the provisions of section 621.045, RSMo.

(3) Applications for Permit: Manufacturer, Distributor, Wholesaler, Jobber, Seasonal Retail.

(A) Applications for a permit shall be on forms provided by the state fire marshal and shall be accompanied by the appropriate fee and documentation as required.

1. Copy of Missouri retail sales tax license.

2. Copy of current certificate of "No Tax Due" for the preceding year obtained from Missouri Department of Revenue, except if the applicant is pursuing any proper remedy at law challenging the amount, collection, or assessment of any sales tax.

3. If applicable, copy of "Certificate of Good Standing" from Missouri Secretary of State.

4. If applicable, copy of federal license or permit.

(B) Failure to make application for seasonal retail permit by May thirty-first of the calendar year may result in the fire marshal's refusal to issue a permit to the applicant for such calendar year.

(C) Every application for a permit to sell fireworks shall be signed by the permittee or a responsible agent for the permittee who, by signing the application, acknowledges that the permittee will take reasonable steps to see that all employees, agents and officers of the permittee will be familiar with all rules applicable to fireworks operations and will abide by those rules.

(4) Requirements: Manufacturer, Distributor, Jobber or Wholesaler.

(A) A holder of a manufacturer's permit shall not be required to have any additional permits in order to sell to distributors, wholesalers, jobbers or seasonal retailers, or to sell display or proximate fireworks.

(B) A holder of a distributor's permit shall not be required to have any additional permit in order to sell consumer fireworks to wholesalers, jobbers, seasonal retailers, consumers during the fireworks season or to sell display or proximate fireworks.

(C) A holder of a jobber's permit shall not be required to have any additional permit in order to sell consumer fireworks at retail during the fireworks season from such jobber's permanent structure.

(D) Any wholesale transaction by a manufacturer, distributor, wholesaler or jobber to any seasonal retailer doing business in



Missouri shall be permitted only if the purchaser has been issued a seasonal retail permit from the state fire marshal as a seasonal retailer.

(E) Any sales by jobbers to nonpermitted persons or entities during any period of time other than the fireworks season as defined in section 320.106(3), RSMo, shall be to non-residents of Missouri, or to residents of Missouri only after a reasonable inquiry and a waiver signed by the buyer on a form provided by the state fire marshal indicating that the fireworks are for use outside of Missouri if the sale is a retail transaction.

(F) A holder of a manufacturer, distributor, wholesaler or jobber's permit shall be required to operate out of a permanent structure in compliance with applicable building and fire regulations in the city or county where located.

(G) Any person engaged in more than one (1) permit classification shall pay one (1) permit fee based upon the permit classification yielding the highest amount of revenue.

(H) Any person, entity, partnership, corporation, or association transporting display or proximate fireworks into Missouri for the purpose of resale, or to conduct a 1.3G fireworks display, or to conduct a proximate fireworks display shall be permitted by the state fire marshal as a distributor or manufacturer and have obtained applicable federal license or permit.

(I) Sale of display or proximate fireworks shall be limited to a holder of a federal license or permit and a distributor or manufacturer permit issued by the state fire marshal.

(J) No holder of a manufacturer or distributor permit shall sell, barter, or transfer display or proximate fireworks to anyone not possessing an applicable permit or license.

(K) No wholesaler or jobber, or any other person shall sell, offer for sale, store, display, or have in their possession any consumer fireworks that have not been approved as fireworks UN0336, or 1.4G by the United States Department of Transportation.

(L) Possession of display or proximate fireworks for resale to holders of a permit for display or proximate fireworks shall be confined to a holder of a manufacturer or distributor permit and applicable federal license or permit.

(M) No jobber, wholesaler, manufacturer, or distributor shall sell to seasonal retail dealers, or any other person in this state for the purpose of resale, or use in this state, any consumer fireworks which do not have the numbers and letter "1.4G" printed with an orange diamond shaped label printed on or attached to the fireworks shipping carton.

(N) Possession of display or proximate fireworks shall be limited to:

1. A holder of a display or proximate fireworks permit issued by the authority having jurisdiction where the display or proximate fireworks display is proposed to be held; or

2. A holder of a display or proximate fireworks permit issued by the state fire marshal; or

3. A holder of a state manufacturer or distributor permit and applicable federal license or permit.

(5) Requirements: Seasonal Retail Sales.

(A) A seasonal retail permit shall be required for each retail sales location.

(B) Consumer fireworks UN0336, 1.4G shall be sold to the general public only from permitted seasonal retail sites and only during the fireworks season as defined in section (1) of this rule.

(C) It is unlawful to attempt to sell or to sell any fireworks to children under the age of fourteen (14) years except when such child is in the presence of a parent or guardian.

(D) 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 under the supervision of an individual at least eighteen (18) years of age.

(E) Seasonal retail permit locations shall be in compliance with all applicable building and fire regulations and may be subject to a fire safety inspection by the state fire marshal per section (7) of this rule.

(F) A seasonal retailer shall acquire and present the appropriate permit from the state fire marshal before any manufacturer, distributor, wholesaler or jobber is allowed to sell consumer fireworks to such seasonal retailer provided that such retailer is purchasing the consumer fireworks for resale in this state.

(6) General Requirements: Fireworks Safety/Authority to Inspect.

(A) Fireworks shall not be stored, kept, or sold within fifty feet (50') 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.

(B) Fireworks shall not be manufactured, stored, kept or sold within one hundred feet (100') of any dispensing unit for ignitable liquids or gases.

(C) It is unlawful to explode or ignite consumer fireworks within six hundred feet (600') of any church, hospital, mental health facility, or school or within one hundred feet

(100') of any location where fireworks are stored, sold or offered for sale.

(D) No person shall ignite or discharge fireworks within three hundred feet (300') of any permanent storage of ignitable liquid, gases, gasoline pump, and gasoline filling station.

(E) No person shall ignite or discharge any fireworks within or throw the same from or into a motorized vehicle including watercraft or any other means of transportation or at or near any person or group of people, except where display permit has been issued for a floating vessel or floating platform.

(F) All person(s) selling or offering fireworks for sale or barter or trade will permit the state fire marshal and the marshal's deputies to conduct inspections, based on *Code of State Regulations*, of the business premises or any location where fireworks are stored or kept and will cooperate with any inspection or investigation. Failure to cooperate or refusal to allow an inspection shall result in suspension or revocation of the permittee's permit(s) or refusal of a permit to be issued. This inspection shall be performed during normal business hours.

(7) Requirements: Fire Safety Inspection—Retail Sales.

(A) Portable Fire Extinguishers.

1. Every seasonal retail sales location shall have not less than two (2) portable fire extinguishers with a minimum 2A rating, at least one (1) of which shall be a pressurized water type.

2. Temporary seasonal retail sales locations less than two hundred (200) square feet in area shall be required to have at least one (1) portable fire extinguisher with a minimum 2A rating.

3. The maximum travel distance to a fire extinguisher in any seasonal retail sales location shall be no greater than thirty-five feet (35').

4. All fire extinguishers shall be inspected annually by a fire extinguisher company and have documentation to this effect attached to them.

5. All fire extinguishers shall be located in an accessible location to the staff.

6. Employees shall be trained to operate fire-extinguishing equipment and shall be required to exhibit their skill when requested by the authority having jurisdiction.

(B) Site Requirements.

1. The authority having jurisdiction shall require a certificate or other evidence of acceptance by an organization or laboratory of recognized standing or manufacturer verifying that the tent fabric material has been treated with a flame resistant material.



2. No hay, straw, shavings, or similar combustible materials that have not been treated to make them flame retardant shall be permitted within any seasonal retail sales location.

3. The area located within thirty feet (30') of a retail sales location shall be kept free of accumulated dry grass, dry brush, and combustible debris.

4. Fireworks shall not be displayed or stored behind glass through which direct sunlight will shine on the fireworks except for where the fireworks are in their original package.

5. Fireworks shall be kept in a location out of the reach of the public when an attendant is not on duty.

6. Seasonal retail sales locations shall be secured when unoccupied and not open for business.

(C) Fireworks Discharge.

1. Fireworks shall not be ignited, discharged, or otherwise used within one hundred feet (100') of any location where fireworks are stored, sold, or offered for sale.

2. At least one (1) sign that reads as follows, in letters at least four inches (4") high on a contrasting background, shall be conspicuously posted at each entrance of seasonal retail sales locations:

**NO FIREWORKS DISCHARGE
WITHIN 100 FEET**

(D) No Smoking Signs.

1. Smoking shall not be permitted inside or within twenty-five feet (25') of the seasonal retail sales area.

2. One (1) or more signs reading, "FIREWORKS—NO SMOKING" shall be displayed at each entrance of seasonal retail sales locations in letters not less than four inches (4") in height on a contrasting background.

(E) Separation Distances.

1. No motor vehicle shall be parked within ten feet (10') of a seasonal retail sales location.

2. No trailer used for the storage of consumer fireworks shall be parked within ten feet (10') of a seasonal retail sales location.

3. Temporary seasonal retail sales stands and tent side walls shall not be located within twenty feet (20') of the following, unless authorized by the authority having jurisdiction:

- A. Another building;
- B. Another seasonal retail sales location;
- C. Cooking equipment of any type.

4. Seasonal retail sales locations shall not be located within fifty feet (50') of the following:

A. 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;

B. Compressed natural gas dispensing facilities;

C. Retail propane dispensing station;

D. Aboveground storage tanks for flammable or combustible liquid, flammable gas or flammable liquefied gas;

E. Any type of open flame cooking equipment.

5. Portable generators shall be located not less than twenty feet (20') from a seasonal retail sales location.

(F) Means of Egress.

1. All means of egress from any temporary seasonal retail sales tent or stand shall remain clear and free of obstructions.

2. A minimum of two (2) remote means of egress shall be located in a seasonal retail sales location.

3. Exits provided for temporary seasonal retail sales stands shall be arranged so that the maximum egress travel distance does not exceed thirty-five feet (35').

4. Exits provided for seasonal retail tents shall be arranged so that the maximum egress travel distance measured from the most remote point to an exit along the natural and unobstructed path of egress travel, does not exceed seventy-five feet (75').

5. Aisles within a temporary seasonal retail sales tent, where the interior is accessible to the public, the minimum clear width shall be permitted to be not less than forty-eight inches (48").

6. Aisles within a temporary seasonal retail sales stand, where the interior is not accessible to the public, the minimum clear width shall be permitted to be not less than twenty-eight inches (28").

7. The required width of aisles shall be maintained unobstructed at all times the facility is occupied by the public.

8. Dead end aisles shall be prohibited.

9. Exit openings from seasonal retail sales tents shall be not less than forty-four inches (44") in width.

10. Egress doors in temporary seasonal retail sales stands where the interior is not accessible to the public shall be permitted to be not less than twenty-eight inches (28") in width.

11. Egress doors in temporary seasonal retail sales stands where the interior is accessible to the public shall be permitted to be not less than thirty-six inches (36") in width.

12. No fireworks shall be displayed for sale or stored within two feet (2') of any public exit, or private entrance or exit in an enclosed building.

(G) Exit Signs and Emergency Lighting.

1. Exit signs shall be required to be self-luminous or internally or externally illuminated.

2. Exit signs shall not be required to be illuminated in tents or stands that are not open for business after dusk or in temporary seasonal retail sales stands where the interior is not accessible to the public.

3. Emergency lighting shall not be required in tents or stands that are not open for business after dusk or for temporary seasonal retail sales stands where the interior is not accessible to the public.

4. Emergency lighting shall be required in seasonal retail sales locations when the retail sales area is eight hundred (800) square feet or greater.

(H) Electrical Equipment.

1. The electrical system and equipment shall be isolated from the public by proper elevation or guarding, and all electrical fuses and switches shall be enclosed in approved enclosures.

2. Electrical cables, including extension cords on the ground in areas traversed by the public shall be placed in trenches or protected by approved covers.

3. All extension cords shall be a minimum fourteen (14) gauge and multi-outlet power strips shall be UL approved and of the grounding type.

4. All multi-outlet power strips shall be UL approved and of the type with a circuit breaker for overload protection.

5. All electrical wiring, equipment, and devices shall be UL approved, installed and maintained to prevent electrical hazards.

6. All electrical lighting shall be UL approved, mounted and installed in a safe manner.

7. Branch circuits for receptacles, lighting and other uses shall be protected by ground fault circuit interrupters if susceptible to water exposure.

8. The power distribution panel shall be properly grounded with a minimum #6 solid copper wire connected to a copper clad ground rod. The ground wire must be connected to the ground rod using a UL approved ground rod clamp with the clamp being visible.

(I) Prohibited Activity/Items.

1. The retail sales of pest control devices, including their related storage and display shall be prohibited.



2. No electronic pest control device(s) shall be located inside a seasonal retail sales location.

3. The consumption or possession of alcoholic beverages in any seasonal retail sales location is prohibited during business hours.

4. Any person selling fireworks shall not knowingly sell consumer fireworks to any person who is obviously under the influence of alcohol or drugs.

5. Proximate and display fireworks shall not be allowed to be sold with consumer fireworks.

(8) Permit Requirements: Discharging Display or Proximate Fireworks.

(A) Permit(s) for display or proximate fireworks may be granted to municipalities, fair associations, amusement parks, organizations, persons, firms or corporations. Such permits may be granted upon application and approval by the state fire marshal or local authority having jurisdiction where the display is proposed to be held.

1. Application for a permit to conduct a display/proximate fireworks show issued by the state fire marshal shall meet the following requirements and be on a form provided by the state fire marshal:

A. Applicant shall be at least twenty-one (21) years of age;

B. The permit shall be issued per location per calendar year, except—

(I) Any change from the original site plan relating to distances, mortar size, mortar installation, firing method, etc. shall require a new application and submission of an additional permit fee;

C. A fee of one hundred dollars (\$100) shall be paid to the state fire marshal at the time of initial application for permit;

D. Identity of state licensed display/pyrotechnic operator shall be provided;

E. Applicant shall submit proof of insurance coverage insuring the applicant with liability insurance in order to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such person, firm or corporation or any agent or employee thereof with an occurrence limit of not less than one (1) million dollars. Additionally, insurance coverage of an employer for whom the individual is employed shall be considered to comply with the aforementioned, if the coverage provides equivalent coverage for each employee;

F. If applicant is conducting a display under the auspices of a municipality or political subdivision the applicant shall be exempt from liability insurance coverage if the

municipality or political subdivision possesses liability insurance covering the applicant with an occurrence limit of not less than one (1) million dollars;

G. Applicant shall submit a detailed site plan, to include but not be limited to distance requirements per NFPA, firing method, mortar installation and product being used along with the name of the licensed or pyrotechnic operator to the state fire marshal a minimum of ten (10) working days prior to the date of the event;

H. Upon request applicant shall provide Material Safety Data Sheets (MSDS) relating to the products being used;

I. No permit granted shall be transferable;

J. The permit shall apply to only one (1) location.

2. A copy of a display or proximate fireworks permit issued by the local authority having jurisdiction shall be submitted by the permit holder to the state fire marshal within forty-five (45) days of the display or upon request of the state fire marshal.

3. Any venue where proximate fireworks are to be discharged shall be inspected by the state fire marshal or local authority having jurisdiction for compliance with NFPA 1126.

4. Any establishment where proximate fireworks are to be discharged indoors shall be inspected by the state fire marshal or local authority having jurisdiction for compliance with NFPA 1126 and NFPA 101 *Life Safety Code* or equivalent nationally recognized code in relation to means of egress, occupancy load, and automatic sprinkler and fire alarm systems.

5. Provisions shall be made for adequate fire protection at a level determined by the jurisdiction where the display is to be conducted.

6. Safety monitors shall be required per NFPA 1123 and/or NFPA 1126.

7. This subsection shall not preclude a political subdivision, county or city from imposing by ordinance the requirement to notify local authorities of the intent to conduct such display.

(9) Licensed/Pyrotechnic Display Operator.

(A) Every fireworks display or proximate fireworks display shall be supervised, managed, or directed by a Missouri state licensed operator or pyrotechnic operator on-site.

(B) Licensed/pyrotechnic display operators shall complete and submit, on a form provided by the state fire marshal a licensed/pyrotechnic display operator application and meet the minimum requirements listed below:

1. Applicant shall be at least twenty-one (21) years of age;

2. Applicant shall not have a felony conviction or have pleaded guilty to a felony;

3. A fee of one hundred dollars (\$100) shall be paid to the state fire marshal at the time of application for licensure;

4. Applicant shall provide two (2) passport type photographs per license requested;

5. The state fire marshal will consider the following criteria in determining whether to issue a license to the applicant under the provisions of this rule:

A. Documentation that applicant has attended courses relating to pyrotechnics;

B. An applicant shall submit evidence of experience, which must include active participation as an assistant or operator in the performance of at least three (3) fireworks displays or proximate fireworks displays, at least one of which must have occurred in the current or preceding year;

C. Applicant shall complete a written examination administered by the state fire marshal and achieve a passing score of at least seventy percent (70%).

(I) Any person failing to pass the examination may retake the examination after a thirty (30)-day waiting period.

(II) Any person failing to pass the examination a second time may retake the examination after a ninety (90)-day waiting period;

D. Any licenses or certifications from other jurisdictions or licensing entities approved by the state fire marshal;

E. References from local authorities, sponsors, employers, and fireworks/pyrotechnic companies;

F. Copy of U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives permit/license if applicable;

6. To obtain recertification, the applicant shall be required to meet the following criteria:

A. Provide documentation that applicant has attended a minimum of twelve (12) hours of continuing education relating to pyrotechnics within the past three (3) years.

B. Provide documentation of actively participating in at least three (3) fireworks displays or proximate fireworks displays.

C. A fee of one hundred dollars (\$100) shall be paid at the time of recertification to the state fire marshal;

7. The licensee shall carry his/her license at all times when engaging in pyrotechnic display activity;

8. Each license issued pursuant to this section shall specify the licensee's name, state issued license number, the licensee's



effective date and expiration date and photograph;

9. In any case where the state fire marshal denies, suspends or revokes a license, a written notice of the basis for the denial, suspension or revocation shall be provided to the applicant or license holder;

10. Upon notice of revocation or suspension, the license holder shall surrender the license and all copies thereof to the state fire marshal immediately. No person shall supervise a fireworks display or proximate display once their license has been revoked or suspended;

11. Upon notice of denial, suspension or revocation of a license, the decision may be appealed in writing to the state fire marshal within forty-five (45) days of the denial, suspension or revocation requesting an administrative hearing pursuant to the provisions of section 621.045, RSMo;

12. The state fire marshal may deny, suspend or revoke licensure of any applicant when it is found that the applicant or licensee:

A. Has knowingly made a material misrepresentation of any information required for licensure;

B. Has knowingly by any means of false pretense, deception, fraud, misrepresentation or cheating obtained training or licensure;

13. No person shall handle display/proximate fireworks or cause any person to handle or discharge display/proximate fireworks in this state unless such use of display/proximate fireworks are under the direct supervision and responsibility of a state licensed operator or pyrotechnic operator pursuant to this rule. Persons working under the direct supervision of a licensed operator or pyrotechnic operator at the site shall not be in violation of this rule.

(10) Violations.

(A) A permittee will receive a written warning from the state fire marshal for violation of any of the following:

1. Failing to properly display a No Smoking sign(s);
2. Failing to properly display a No Smoking sign(s) of sufficient size;
3. Failing to properly display a permit or license;
4. Selling or offering for sale fireworks that are not properly labeled;
5. Exposing fireworks not in the original package to direct sunlight while displayed and unattended, as defined by section 320.146.1, RSMo;
6. Leaving unattended fireworks accessible to the public;

7. Attempting to make or making a sale of fireworks out of season as defined in section 320.106(9), RSMo to someone for use or distribution within the state of Missouri;

8. Knowingly allowing an open flame or smoking within twenty-five feet (25') of a place where fireworks are manufactured, stored, kept, or offered for sale;

9. Selling to a child under the age of fourteen (14) who is not in the presence of his/her parent or guardian;

10. Receiving fireworks without a permit if the permittee was permitted but failed to renew;

11. Selling fireworks without a permit if the permittee was permitted but failed to renew;

12. Selling from other than a permanent structure, except for retail sales during fireworks seasons;

13. Storing fireworks too close to volatile liquids or gases, as defined by section 320.146(2), RSMo;

14. Selling or shipping fireworks to a consumer within a city or county lawfully prohibiting the sale or possession of fireworks pursuant to section 320.121, RSMo;

15. Employing a person less than sixteen (16) years of age who is unsupervised;

16. Selling or offering for sale or displaying fireworks to consumers that are marked other than UN0336, 1.4G;

17. Failure of distributors and manufacturers to retain copies of applicable permit(s) or license(s) issued for display and/or proximate fireworks transactions for one (1) year after the transaction;

18. Selling fireworks for resale in this state to a distributor, manufacturer, jobber, wholesaler or seasonal retailer who has not first obtained their current permits as required by law.

(B) Subsequent violation of any of the acts set forth in subsection (10)(A) will result in the suspension or revocation of the permit(s) of the permittee for a period as determined by the state fire marshal.

(C) Violation of any of the following laws or regulations may result in the suspension or revocation of the permit(s) for a period not to exceed three (3) years and/or the refusal of the fire marshal to renew or issue a permit(s) to the permittee or owner:

1. Selling or improperly possessing fireworks while the permit or license has been suspended or revoked;
2. Allowing another person or business to use or display the license of a licensee;
3. Possessing or manufacturing illegal fireworks or selling or offering for sale illegal fireworks as defined in section 320.136, RSMo;

4. Failing or refusing to allow a reasonable inspection of any premises and all portions of buildings where fireworks are being stored or are being offered for sale. A reasonable request is one made either during daylight hours or while the premises or building are open for business;

5. Failing to fully cooperate with a reasonable request during an inspection;

6. Failure to obtain a permit for display or proximate fireworks site;

7. Performing a display or proximate fireworks display without having obtained a licensed operator or pyrotechnic operator permit from the Missouri State Fire Marshal;

8. Failure of the applicant to obtain all required permit(s) and/or license(s) required as per 320.111(1), RSMo.

(D) The state fire marshal will indicate to the permit holder, in writing, the statute(s) and any regulations violated. Appeals from any decision of the state fire marshal will be made to the Administrative Hearing Commission, except in cases in which a charged violation includes a violation of the criminal laws.

(E) The period of suspension or revocation imposed by the state fire marshal will remain in effect against the permit holder's future business, partnership, corporation or entity even if an attempt to change ownership or control of that permit holder's business, partnership, corporation or entity is made or attempted.

(F) Persons found guilty of handling or discharging display/proximate fireworks, or directing, ordering or otherwise causing any person to handle or fire display/proximate fireworks in this state without having a valid license shall be guilty of a Class A misdemeanor.

(11) Incident Reporting; Licensed Operator/Pyrotechnic Operator Responsibility.

(A) It is the responsibility of the licensed operator/pyrotechnic operator to immediately report any discharge related incident identified below to local law enforcement or fire service agencies and request such agency to notify the Office of the State Fire Marshal—

1. Injury to any person requiring immediate medical treatment;
2. A fire or damage to property in an amount reportable to the operator's insurance company;
3. Loss of life.

(B) After a reportable incident has occurred, the scene shall not be altered or tampered with in any manner unless authorized by the state fire marshal or designee, until an investigation/inspection can be completed.



(C) Failure of the licensed operator/pyrotechnic operator to report an incident identified in this section may be subject to their license being suspended or revoked by the state fire marshal for a period of time not to exceed three (3) years.

AUTHORITY: section 320.111.9, RSMo Supp. 2004. Original rule filed Sept. 29, 1988, effective Feb. 24, 1989. Amended: Filed May 1, 1989, effective July 13, 1989. Emergency rescission and rule filed Aug. 31, 2004, effective Sept. 10, 2004, expired March 9, 2005. Rescinded and readopted: Filed Aug. 31, 2004, effective March 30, 2005. ***

**Original authority: 320.111.9, RSMo 1985, amended 1987, 1993, 1995, 1999, 2004.*

***Pursuant to Executive Orders 20-04, 20-10, and 20-12, 11 CSR 40-3.010, subparagraphs (2)(A)1.A. and (2)(A)1.B. was suspended from April 16, 2020 through December 30, 2020.*

DIVISION 4. - FIREWORKS^[1]

Footnotes:

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State Law reference— *Fireworks, RSMo 320.106 et seq.*

Sec. 16-197. - Fireworks regulations.

- (a) It shall be unlawful for any person within the city to discharge or cause to be discharged, ignited, fired or otherwise set in action within the city limits any fireworks, firecrackers, bottle rockets, sparklers, torpedoes, roman candles, fire balloons, squibs, snakes, spit-devils or other fireworks or substances of any combination whatsoever designed or intended for pyrotechnical use, as defined by pertinent state statutes, as considered class "C" or "B" explosives by the regulation of the United States Department of Transportation (USDT), except as provided in [section 16-198](#). The manufacture of class "C" or "B" explosives as defined by the USDT within the city limits is prohibited.
- (b) Fireworks may be sold within the city in accordance with the following regulations:
 - (1) Temporary fireworks stands may be located in any commercial or manufacturing districts as long as the applicant meets the required conditions for a building permit.
 - (2) A temporary fireworks stand may be located within any other zoning district with a conditional use permit approved by the planning and zoning commission and city council.
- (c) Required conditions to receive a building permit from the city development department include:
 - (1) Proof of fireworks tax having been paid to state department of revenue.
 - (2) The stand must be located in an area zoned for commercial or manufacturing use, or must have a conditional use permit.
 - (3) A site plan must accompany all applications and must include;
 - a. A legal description of the property where the proposed stand is to be located.
 - b. The dimensions of the lot.
 - c. The location of existing buildings and distances from property lines.
 - d. The location of the proposed fireworks stand and the setbacks from the property lines.
 - e. The location of both the off-street parking area provided (one space for every 200 sq. ft. of stand area) and the city or state highway department approved access drive.
 - f. The zoning of the parcel where the stand is to be located.
 - (4) All applications must be submitted to the city development department five working days prior to issuance of any building permits. Conditional use permit applications must be submitted no later than April 18 for the May Planning and Zoning Commission Hearing.
 - (5) Setback requirements.
 - a. Fireworks stands are required to have a 50-foot front setback; a 25-foot side setback unless adjoining a commercial or less restrictive district, then zero; a 25-foot rear setback unless adjoining a commercial or less restrictive district, then ten feet.

- b. The stand must be a minimum of 30 feet from any other building on the same or adjoining lot.
 - c. Fireworks stands must be at least ten feet from any overhead electric line.
 - d. All tents and fireworks stands must be a minimum of 100 feet from any use involving sale or storage of gasoline, LP gas or any combustible product.
- (6) Fireworks stand requirements.
- a. Fireworks in open stock may be kept in showcases or counters out of the reach of the public without an attendant being on duty. Signs reading "FIREWORKS FOR SALE-NO SMOKING ALLOWED" shall be displayed in the section of the store set aside for the sale of fireworks.
 - b. All the area within and adjacent to tents or stands shall be maintained clear of grass, shavings or any combustible materials.
 - c. Minimum aisle width of 36 inches, kept free and unobstructed at all times.
 - d. Minimum exit way of 44 inches; a minimum of three exits are required.
 - e. Portable fire extinguishing equipment must be kept on premises at all times.
 - f. Electrical cords from the meter to the tent must be 12-2 with ground exterior wire.
 - g. All circuits entering the stand shall be protected by a GFI breaker.
 - h. Inspection will be required by the development department and the city fire protection district prior to any fireworks stand opening for business. Notification for inspection should be made by calling 725-5850 for development and 725-4025 for fire during regular business hours.
 - i. Hours of operation shall be June 20—July 2, 8:00 a.m. to 11:00 p.m., and July 3 and 4, 6:00 a.m. to 12:00 midnight.

(Prior Code, § 11-26; Ord. No. 1032, 11-1997; Ord. No. 1643, 4-2010)

Sec. 16-198. - Permits for public displays.

- (a) The city council shall have the power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by a jurisdiction, fair associations, amusement parks, other organizations or for the use of fireworks by artisans in pursuit of their trade. Every such use or display shall be handled by a competent operator approved by the city council and shall be of such character and so located, discharged or fired so as, in the opinion of the city council after proper investigation, not to be hazardous to property or endanger any person.
- (b) Applications for permits shall be made in writing at least 30 days in advance of the date of the display. After such privilege shall be granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

(Prior Code, § 11-27)

Sec. 16-199. - Bond for fireworks display required.

The permittee shall furnish a bond or certificate of insurance in an amount deemed adequate by the city council for the payment of all damages which may be caused whether to persons or to property by reason of the permitted display and arising from any acts of the permittee, his agents, employees, or subcontractors.

(Prior Code, § 11-28)

Sec. 16-200. - Public discharge of fireworks; when permitted.

modified

- (a) Unless a burn ban is in effect, the discharge of fireworks by the general public is permitted inside the city limits for the following dates:
 - (1) July 4 between the hours of 2:00 p.m. and 11:00 p.m. Notwithstanding this subsection (1), the discharge of fireworks between the hours of 2:00 p.m. and 11:00 p.m. by the general public is permitted inside the city limits for July 3, 2022, and July 4, 2022.
 - (2) December 31 from 2:00 p.m. through January 1 to 12:30 a.m.
- (b) However, the discharge of fireworks must be done safely, and any complaint that details hazardous activities, malicious conduct or any act in conflict with city ordinances, state or federal laws may result in the seizure of fireworks and/or prosecution in accordance with applicable law. Additionally, anyone under the age of 17 must be supervised by a parent or adult when handling, discharging, or assisting in the discharge of fireworks. The city fire department will be authorized to assist in regulating and confiscating fireworks.

(Prior Code, § 11-28-2; Ord. No. 1643, 4-12-2010; [Ord. No. 2266](#), § 1, 6-29-2022)