

ORDINANCE NO. 081424

**AN ORDINANCE TO AMEND ORDINANCE 060617 OF THE CITY CODE OF WHEATON, MISSOURI, AND ESTABLISHING IN PLACE THEREOF A NEW ORDINANCE DEFINING AND REGULATING THE SALE AND DISCHARGE OF FIREWORKS WITHIN THE CITY OF WHEATON.**

WHEREAS, the Board of Alderman of the City of Wheaton desire to address the need to protect the comfort, health, moral safety, and the general welfare of the residents of the City, therefore:

**BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF WHEATON, MISSOURI, AS FOLLOWS:**

**SECTION A:** Ordinance 060617 of the City of Wheaton, Missouri, is hereby repealed and a new ordinance defining and regulating the sale and discharge of fireworks within the City of Wheaton and enacted to read as follows:

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

**SECTION TWO:** It shall be unlawful for any person, firm, or corporation, including non-profit, religious, or community service organizations, to manufacture, store, sell, or offer for sale fireworks of any type within the city limits, except as provided for by this section:

1. Permits and Sales

- A. Each dealer in fireworks, at wholesale or retail, before selling an article of fireworks, shall obtain from the City Clerk a permit to sell fireworks for each location at which fireworks are to be offered for sale. Each permit shall bear the date of expiration on the fact thereof, shall designate the location for which it is granted, and shall not be transferable. Each permit shall be for a period of time beginning June 20 and ending July 7 of each year.
- B. No permit shall be issued for any location where paints, oils, or varnishes are manufactured or kept for use or sale, nor where resin, turpentine, gasoline, or other similar flammable substances that may generate flammable vapors are used, stored, or offered for sale, or where the Chief of Police shall determine that any condition exists that makes a storage or sale of fireworks at such location unusually hazardous.

2. Application for Permit

- A. Any such person, firm, or corporation making application for a permit shall obtain an Application For Fireworks Sales Permit from the City Clerk on or before May 1<sup>st</sup>, accompanied by a fee of \$50.00 per location. If the application is not approved by the Board of Alderman, the \$50.00 fee shall be returned to the applicant.

- B. All permits issued and approved are personal to the applicant and are not transferable. The sale of fireworks or operation of place of sale by anyone other than the permittee shall void the permit and cause forfeiture of the permit fee.
  - C. The granting or denial of applications for permits shall be at the sole discretion of the Board of Alderman, and all applications shall contain the name of the applicant and the location or sale site. Applications shall not be granted for sites that are zoned for residential use.
3. Safety Requirements
- A. It shall be unlawful to offer to sell or to sell any fireworks to any intoxicated person.
  - B. No person shall expose fireworks in any location where the sun may shine through glass on the fireworks displayed, or permit the presence of lighted cigars, cigarettes, or pipes on the premises where fireworks are offered for sale.
  - C. Fireworks shall not be sold or kept for sale in a place of business where paint, oils, varnishes, turpentine, gasoline, or other flammable substances are kept.
  - D. Fireworks shall not be stored, kept, discharged, or sold within 100 feet of any gasoline pump, filling station, gasoline bulk station, or any building in which gasoline or volatile liquid are sold.

**SECTION THREE:**

1. It shall be unlawful for any person to set off, fire, or discharge fireworks within the City of Wheaton except during the hours of 8:00am to 10:00pm June 20 through July 3, 8:00am to 11:00pm on July 4, and 8:00am to 10:00pm July 5 through 7.
2. The Chief of Police and other City of Wheaton Police Officers are hereby authorized to confiscate from the possession of, and/or subject to give a citation to, any person found to be in violation of this section.
3. Any person who has fireworks confiscated under this section may file a written request for a review with the Police Department setting out the specific facts supporting a claim for the return of confiscated fireworks. Such a written request must be filed within 10 days of said confiscation. The decision of the chief of Police shall be final.

**SECTION FOUR:** This ordinance is necessary for protecting the comfort, health, moral safety, and the general welfare of the residents and shall be in full force and effect upon its final passage and approval.

SECTION FIVE: Said approval being effective the 14<sup>th</sup> day of August, 2024.

David Shockley  
David Shockley, Mayor

ATTEST:  
JoGina Park  
JoGina Park, City Clerk

BE IT REMEMBERED that the above Ordinance was adopted upon its final reading, by the following vote:

ALDERMAN JON BRATTIN

VOTE yes

ALDERMAN JEREMY MARTELL

VOTE yes

ALDERMAN CASEY PREWITT

VOTE yes

ALDERMAN BRANDON SHOCKLEY

VOTE yes