

**AN ORDINANCE TO AMEND ORDINANCE 020712 OF THE CITY CODE OF WHEATON, MISSOURI, AND
ESTABLISHING IN PLACE THEREOF A NEW ORDINANCE DEFINING AND REGULATING THE SALE AND
DISCHARGING OF FIREWORKS WITHIN THE CITY OF WHEATON.**

Ordinance # 060617

WHEREAS, the Board of Alderman of the City of Wheaton desires 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 IN THE CITY OF WHEATON, MISSOURI, AS FOLLOWS:

SECTION A:

Ordinance 020712 of the City of Wheaton, Missouri, is hereby repealed and a new ordinance defining and regulating the sale and discharging of fireworks within the City of Wheaton and enacted to read as follows:

SECTION ONE:

For the purposes 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 any 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 15 and ending July 5 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 is 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 file a written request with the City Clerk on or before May 1st 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 nontransferable. The sale of fireworks or operation of place of sale by any one 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, in addition to a description of the location or sale site, type of structure from which sales are to be made. 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 liquids are sold.

SECTION THREE:

- 1. It shall be unlawful for any person to set off, fire or discharge fireworks within the City except during the hours from 8:00 a.m. to 10:00 p.m. June 20 through July 3 and 8:00 a.m. to 12:00 a.m. on July 4.
- 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

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:

1. That this ordinance shall be in full force and effect upon passage by the Board of Alderman and approval by the Mayor.
2. **PASSED BY THE BOARD OF ALDERMAN AND APPROVED BY THE MAYOR THIS 6TH DAY OF JUNE, 2017.**

David Shockley, Mayor

ATTEST:

Marianne Witt, City Clerk