

Fireworks License Application

City of Independence, Missouri
Fire Department Administration
(816) 325-7121

Please read the 'Rules & Regulations Regarding the Sale and Use of Fireworks' prior to submitting this application.

Name of Not-For-Profit Organization: _____

Street Address: _____

Suite Number: _____

City: _____

State: _____

Zip Code: _____

Contact Name: _____

Phone: _____

Cell Phone: _____

Email Address: _____

Fireworks Stand Contact and Location Information:

Name: _____

Home Street Address: _____

City: _____

State: _____

Zip Code: _____

Contact Name: _____

Work Phone: _____

Cell Phone: _____

Email Address: _____

Location of Proposed Fireworks Stand:

Address: _____

Property Owner: _____

Property Owner Address: _____

City: _____

State: _____

Zip Code: _____

Contact Name: _____

Phone: _____

Email Address: _____

Fireworks Supplier:

Name: _____

Address: _____

City: _____

State: _____

Zip Code: _____

Contact Name: _____

Phone: _____

Email Address: _____

The information given on this application is true and complete, to the best of my knowledge and belief. I understand that the City can issue a license subject to the restrictions upon its use. If granted a fireworks license, I hereby agree that I will observe those restrictions as specifically enumerated in Section 9.01.003 of the City Code of the City of Independence, Missouri.

Signature

Date

SEE PAGE 2 OF FORM FOR ADDITIONAL REQUIREMENTS

Date/Time received: _____ **Application #** _____

Submit the following items with each application:

1. **Site Plan:** A site plan showing all items outlined in the ‘Rules & Regulations Regarding the Sale and Use of Fireworks’.
2. **Security Plan:** A copy of a proposed detailed security plan for the premises when the site is not open to the public. If a private security firm is used it must be licensed by the City as a security company.
3. **License Fee:** Payment of a non-refundable license fee of four hundred dollars (\$400.00).
4. **Proof of Not-for-Profit Status:** Documentation showing your organization has a not-for-profit status from the Internal Revenue Service and the Missouri Secretary of State. **A not-for-profit organization shall be limited to one (1) application submission each year.**
5. **Insurance Requirement:** A commitment **or** proof of insurability.
6. **Property Owner Agreement:** A signed and dated written agreement from property owner allowing the not-for-profit organization the use of their property to operate a fireworks stand. This agreement must include the name, address and telephone number of the property owner.
7. **Not-For-Profit Agreement:** If a wholesaler is used, a signed and dated written agreement from the not-for profit organization authorizing the fireworks wholesaler to submit an application for a fireworks stand on their behalf. This agreement must be signed and dated by the president or leader of the not-for-profit organization. The agreement must include the name of the not-for profit organization, mailing address, telephone number and e-mail address of the signer of the agreement. **A not-for-profit organization shall be limited to one (1) application submission each year.**

Staff will not process applications submitted without the seven items identified above. Please call 816-325-7079 should you have questions regarding the processing of your application.

Within thirty (30) days of notification of the approval of your application, the applicant must provide the following:

1. Proof of a valid permit issued by the Missouri Department of Public Safety for the retail sale of consumer fireworks.
2. Certificate of general liability (public) insurance shall be in the amount of no less than \$1,000,000 per occurrence and \$2,000,000 aggregate limit, and covering liabilities arising from the retail sale of fireworks during the term of the coverage. The amount of the insurance shall not be subject to reduction of the aggregate limit as a result of occurrences at locations not operated by the seasonal retail. The City of Independence shall be named as an additional insured.
3. All vendors licensed by the City to sell fireworks shall collect all sales taxes on the retail sales of fireworks. Applicant must provide proof of a valid retail sales tax license issued by the Missouri Department of Revenue for the retail sale of consumer fireworks for each location within the City. In conformance with State Statutes, a ‘Certificate of No Tax Due’ provided by the Missouri Department of Revenue will be required prior to issuance of the License.
4. Itinerant Merchant Business License Application: The fireworks wholesaler must submitted a completed itinerant merchant business license application for each fireworks stand location along with a \$50 fee payment per application.

You will not be issued a Fireworks License until the above items are received.

City of Independence, Missouri
Rules & Regulations Regarding the Sale and Use of Fireworks
(Code Sections 9.01.003)
Updated March 2019

General Requirements for Sale and Use of Fireworks:

1. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited within the City, except as follows:

A. Except as authorized below for the storage and handling of certain Division 1.4G fireworks, the storage and handling of fireworks shall be permitted only in compliance with Section 3304 of the International Fire Code.

B. The manufacture, assembly and testing of fireworks shall be permitted only in compliance with Section 3305 of the International Fire Code.

C. The possession and use of Division 1.3G fireworks shall be permitted only in accordance with Section 3308 of the International Fire Code.

D. The possession, storage, handling and use of certain Division 1.4G fireworks shall be permitted within the City, provided such fireworks comply with Chapter 320 of the Revised Statutes of Missouri, 11 CSR 40-3.010, CPSC 16 CFR, Parts 1500-1507, DOT 49 CFR, Parts 100-178, and all applicable ordinances of the City, except that it shall be unlawful for any person to possess, store, handle, or use, within the City, the following Division 1.4G fireworks:

- (1) Sparkler bombs
- (2) Altered or combined fireworks
- (3) "Sky Lanterns", which are small hot air balloons commonly made of paper or other combustible material with an opening at the bottom where a small fire is suspended and are sometimes known as Chinese lanterns, Kongming lanterns and sky candles. For purposes of this section "Sky Lanterns" shall not include hot air balloons piloted by human beings, devices designed to loft scientific payloads (weather balloons) or any lantern that is tethered so as to not become free floating.

E. The use of Division 1.4G fireworks within the City limits shall only be permitted on July 3 and July 5 of each year between the hours of 10:00 a.m. and 11:00 p.m., on July 4 of each year between the hours of 10:00 a.m. and midnight.

F. It shall be unlawful for any person to throw, use, explode, detonate, aim, point or shoot fireworks, including pyrotechnic devices, in such a manner that, after it is ignited, will propel it, or any part thereof, such that it, or any part thereof, lands on property not owned by the person shooting the fireworks.

G. It shall be unlawful for any person to throw, use, explode, detonate, or shoot fireworks within any structure.

H. It shall be unlawful for any person to throw, use, explode, detonate, or shoot fireworks within six hundred feet of any church, hospital, mental health facility, or school, or within one hundred feet of any location where fireworks are stored, sold or offered for sale or a designated historical structure.

I. No person shall use, explode, detonate, or shoot fireworks within, or throw the same from, a motorized vehicle, nor shall any person place or throw any ignited firework into, at, or under a motorized vehicle or any other means of transportation, or at or near any person or animal.

J. No person shall throw, use, explode, detonate, or shoot fireworks within three hundred feet of any permanent storage of ignitable liquid, gases, gasoline pump, gasoline filling station, or any nonpermanent structure where fireworks are stored, sold or offered for sale.

K. It shall be unlawful for any person under the age of sixteen (16) years, unless under the supervision of a parent or guardian, to possess or discharge Division 1.4G fireworks within the City limits.

Sale and Retail Display:

1. General. No person shall construct a retail display for, sell, or offer for sale, explosives, explosive materials, or fireworks within the City, except as allowed for permitted blasting operations and commercial fireworks displays, and except that the seasonal retail display and sale of certain Division 1.4G fireworks shall be permitted within the City by not-for-profit organizations whose primary purpose is religious, education, youth related or community service and which are located within the City for the period beginning 10:00 a.m. on June 23 and extending through noon on July 5. All not-for-profit organizations whose primary purpose is religious, education, youth related or community service and which are located within the City selling Division 1.4G fireworks as authorized herein shall comply with Chapter 320 of the Revised Statutes of Missouri, 11 CSR 40-3.010, CPSC 16 CFR, Parts 1500-1507, DOT 49 CFR, Parts 100-178, and all applicable ordinances of the City.

2. Occupation License Required. No person shall construct a retail display for, sell, or offer for sale at retail, Division 1.4G fireworks as authorized by Subsection 1 of Section 5601.2.2 of the International Fire Code without a license issued pursuant to this Subsection 2. It shall be unlawful for any person to sell fireworks from a vehicle or in any other manner except from a structure or stand licensed to sell fireworks pursuant to this Section.

A. There shall be up to sixteen (16) fireworks stand licenses available for issuance within the City, annually:

- (1) for not-for-profit organizations whose primary purpose is religious, education, youth related or community service and which are located within the City; or,
- (2) for not-for-profit organizations whose primary purpose is religious, education, youth related or community service whose principal business is located within one thousand five hundred (1,500) feet of the City Limits, serving residents and businesses within the City Limits as their primary audience, and who own property within the City.
- (3) Applications shall be made to the City's Community Development Director or his designee on a form provided by the City, between the 2nd Monday of April and the following Friday in April for a license to be issued for July of the same year. The Director shall first consider those applications from organizations which held a license in 2017 and remained licensed each year thereafter.
- (4) After licenses are issued pursuant to 5601.2.2.2.A(1), any remaining licenses shall be issued as follows: The Community Development Director or his designee shall randomly select applications properly filed by the deadline and shall process such applications in the order selected.
- (5) A not-for-profit organization shall be limited to one (1) application submission each year and may be issued not more than one (1) fireworks stand license.
- (6) Incomplete applications shall be rejected and further randomly selected applications considered until all licenses have been issued.

B. Site Plan. No application will be accepted without a site plan showing the following:

- (1) Address or site location (no sales or storage will be permitted in a residentially zoned district or within three hundred feet of any permanent storage of ignitable liquid, gases, gasoline pump, or gasoline filling station);
- (2) Property owner and operators' names, addresses and phone numbers;
- (3) Size of lot and tent;

- (4) Location of tent(s) and all other structures and equipment including trailers and storage units on the lot (a maximum of two semi-truck storage trailers or the equivalent of trailer storage shall be permitted per location);
- (5) Location of all existing driveway entrances and temporary parking lots (construction of new driveway entrances and surfacing of parking areas require a permit from the Public Works Department);
- (6) Location of required restroom facilities (a minimum of one portable facility on-site is required);
- (7) Location of required dumpsters (a minimum of one 2-yard dumpster for a location having 1,000 square feet or less and a minimum of two 2-yard dumpsters, or one 4-yard dumpster for a location having more than 1,000 square feet of sales area);
- (8) Location of permanent or proposed temporary electrical service;
- (9) Location of required on-site, off-street customer parking spaces (a minimum of one space per 300 square feet of sales area required);
- (10) Location of nearest fire hydrant;
- (11) Location of signs (no off-premises signage is permitted; no sign may be located in the right-of-way or on utility poles, please see attached pamphlet);
- (12) Other information as may be required by the City to ensure public health and safety.

C. Security Plan. No application will be accepted without a plan to secure the premises when not open to the public. If a private security firm is used it must be licensed by the City as a security company.

D. License Fee. The fee for each Business License issued pursuant to this section shall be four hundred dollars (\$400.00) which shall be paid at the time of application.

E. Proof of State Permit. Within thirty (30) days of notification of the acceptance of an application, the applicant shall provide proof of a valid permit issued by the Missouri Department of Public Safety for the retail sale of consumer fireworks.

F. Within thirty (30) days of notification of the acceptance of an application, the applicant shall provide proof of general liability (public) insurance in the amount of no less than \$1,000,000.00 per occurrence and a \$2,000,000.00 aggregate limit, and covering liabilities arising from the retail sale of fireworks during the term of the coverage. A commitment or proof of insurability shall be submitted with every application. The amount of the insurance shall not be subject to reduction of the aggregate limit as a result of occurrences at locations not operated by the seasonal retailer. The City of Independence shall be named as an additional insured on this policy.

G. Sales Tax Collection. All vendors licensed by the City to sell fireworks shall collect all sales taxes on the retail sales of fireworks. Within thirty (30) days of notification of the acceptance of an application, the applicant shall provide proof of a valid retail sales tax license issued by the Missouri Department of Revenue for the retail sale of consumer fireworks for each location within the City. In conformance with State Statutes a 'Certificate of No Tax Due' which is provided by the Missouri Department of Revenue will be required prior to issuance of the License.

H. Each fireworks company will need to apply for Itinerant Merchant Business License through the City of Independence Regulated Industries Division for each fireworks stand operated.

3. Operation of Temporary Fireworks Structures or Stands.

A. It shall be unlawful for any person to construct a retail display for, sell, or offer for sale, within the City, the following Division 1.4G fireworks:

1. Sparkler bombs
2. Altered or combined fireworks
3. "Sky Lanterns", which are small hot air balloons commonly made of paper or other

combustible material with an opening at the bottom where a small fire is suspended and are sometimes known as Chinese lanterns, Kongming lanterns and sky candles. For purposes of this section “Sky Lanterns” shall not include hot air balloons piloted by human beings, devices designed to loft scientific payloads (weather balloons) or any lantern that is tethered so as to not become free floating.

B. Fireworks stands or structures shall comply with the provisions of the currently adopted International Building Code relative to temporary structures and a certificate of occupancy shall be obtained prior to opening.

C. No temporary stand or structure shall be set up before June 19 of each year.

D. All weeds and combustible materials shall be kept clear of the sales location and a distance of twenty- five feet surrounding the sales location.

E. A minimum 3-foot wide, unobstructed aisle running the length of the stand, inside and behind, the sales counter shall be provided.

F. Each stand up to 24 feet in length must have at least two exits. Each stand in excess of 24 feet must have at least three exits. Exit locking devices, if any, shall be easily released from the inside without special knowledge, key or effort.

G. Each stand shall maintain a 2.5 gallon, 2A rated water-pressure type fire extinguisher or an ABC minimum 2A:10BC rated fire extinguisher near each exit and such extinguishers shall be kept in good working order and shall be easily accessible.

H. The stand shall have sufficient security to protect firework inventory from theft and vandalism.

I. All fireworks storage facilities must be secured and locked at any time the vendor is not actively using the storage facility.

J. The stand shall display in a prominent location, visible to the public, signage with red letters at least one-half inch high on a white background specifying hours of lawful use of fireworks within the City of Independence.



Independence, Missouri Fire Department

Fireworks Tent Inspection Checklist



- | Yes | No | N/A | |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Fire hydrant located within 300' of the tent |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Maintain a 50' distance from any permanent structure or building to the tent |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Maintain a 100' distance from any location where gasoline or volatile liquids are sold, stored or dispensed |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Maintain a 15' distance from tent guide wires and inflatables to safety barriers. A safety zone will be set up with cones or poles and caution tape or pendant flag banners and must be maintained at all times. Vehicles are not allowed in safety zone <u>AT ANY TIME</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Maintain a 25' distance from all city streets, roads, drives, etc. to the tent guide wires |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Maintain a 25' distance from all grass, brush and combustible materials to the tent guide wires |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Maintain a 25' distance from fireworks storage trailers to the tent guide wires |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Maintain a 25' distance from temporary or portable power sources to the tent guide wires |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Maintain a 25' distance from the required trash dumpster or trash container to the tent guide wires |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Maintain required number of exits (based on the longest side of the tent, less than 24' requires 2 exits, more than 24' requires at least 3 exits) Exits will be arranged so the travel distance does not exceed 35' to any exit. Exits doors will be at least 44" in size |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | "NO SMOKING WITHIN 100 FT OF TENT" sign with 4" letters will be placed at each door and throughout the tent |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | "NO FIREWORKS DISCHARGED WITHIN 100 FT OF TENT" sign with 4" letters will be placed at each exit of the tent |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Illuminated exit signs with battery backup (only required when the tent is operated after dusk) |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Emergency lighting with battery backup (only required when the tent is operated after dusk) |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Maintain no less than 2 portable Fire Extinguishers with a minimum 2A rating, 1 of which must be a pressurized water can type. The maximum travel distance to a Fire Extinguisher shall be no greater than 35 feet. All fire extinguishers must have a current annual inspection dated within the last 12 months |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Maintain 48" aisles throughout the tent which will remain unobstructed at all times |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | No Fireworks stored within 2 ft of tent entrance or exit |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Sign stating "Legal Hours of Firework use" will be posted near each cash register. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Sign stating "You must be 16 years of age to purchase Fireworks in Independence" will be posted near each cash register |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | A flame retardant certification will be located on the tent material surface or the proper certifying paper work will be provided for the tent |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Tent will remain neat and organized. No excess combustible materials will be stored inside the tent |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Have an inventory list from the distributor available at all times for all fireworks to be sold and stored in the tent |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Provide proof of insurance coverage (not less than one million dollars) |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Fireworks storage trailer must be marked with proper NFPA 704 placards |

Organization representative



Independence Missouri Fire Department Fireworks Tent Requirements



Fireworks shall not be stored, kept, or sold within 100 feet of any gasoline pump, gasoline filling station, Gasoline bulk station, or any building in which gasoline or volatile liquids are sold



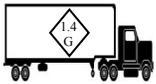
Tent must be at least 50 feet from nearest house, building or structure



No Smoking within 100 feet of tent



No grass, brush or combustibile materials within 25 feet of tent guide wires



Minimum of 25 feet to fireworks storage trailer. NFPA 704 placard must be present and visible



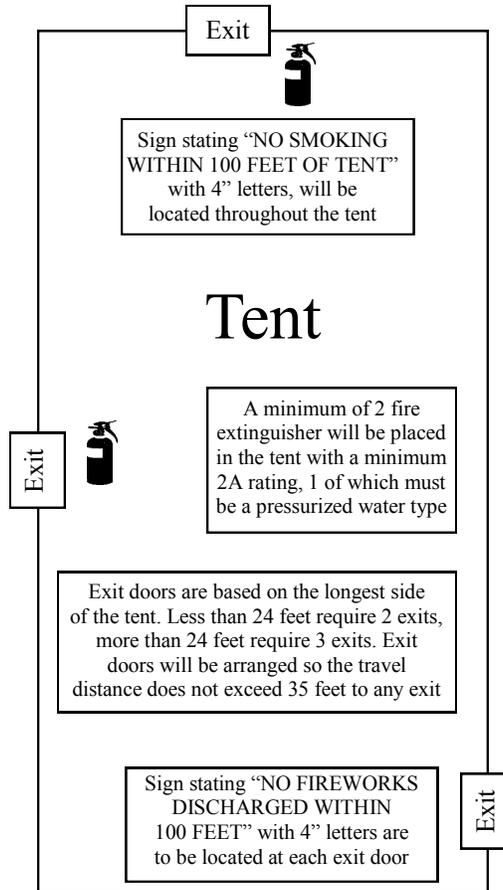
Minimum of 25 feet to trash containers



Minimum of 15 feet from inflatables to barriers and 25 feet from street



Minimum of 25 feet to generators or temporary



No grass, brush or combustibile materials within 25 feet of tent guide wires

No parking within 15 feet of tent guide wires or inflatables
All parking barriers require Caution Tape or Pendant Flag Banners
Tent guide wires must be 25' from any city street, road, drive, etc.

No parking within 15 feet of tent guide wires or inflatables
All parking barriers require Caution Tape or Pendant Flag Banners
Tent guide wires must be 25' from any city street, road, drive, etc.



No more than 300 feet to the nearest fire hydrant