

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE repealing section 5627., Jackson County Code, 1984, relating to fireworks, and enacting, in lieu thereof, one new section relating to the same subject.

ORDINANCE NO. 4734, May 4, 2015

INTRODUCED BY Tony Miller, County Legislator

WHEREAS, chapter 56., Jackson County Code, 1984, generally provide for the issuance of a limited number of temporary permits to non-profit organizations to conduct the retail sale of fireworks in the unincorporated county during the period around the Independence Day holiday; and

WHEREAS, code section 5627. currently restricts the issuance of such permits to organizations proposing to operate temporary retail sales sites located at least 100 feet distance from any existing building; and

WHEREAS, the Legislature has determined that it is appropriate to reduce this restriction to fifty feet to make the County's regulation in this regard consistent with regulations adopted by the City of Independence, Missouri, and the State of Missouri; and

WHEREAS, the adoption of this revised restriction is in the best interest of the health, welfare, and safety of the citizens of Jackson County; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause. Section 5627., Jackson County, 1984, is hereby repealed, and one new section enacted in lieu thereof, to be known as sections 5627., to read as follows:

5627. Exception, Seasonal Fourth of July Sales.

The retail sale of fireworks at temporary sites may be conducted by non-profit organizations within the unincorporated areas of the County for a period of forty-five (45) days prior to the Fourth day of July of each year, said days beginning on the 21st day of May and including the first (1st), second (2nd), third (3rd) and fourth (4th) days of July and ending at 3:00 P.M. on the fifth (5th) day of July of each year upon issuance of a permit, renewable annually, from the County.

5627.1. Limitation on Number of Seasonal Sales Permits.

There will be a maximum of nine (9) permits issued as the initial number of permits for local non-profit organizations for seasonal retail sales at temporary sites in 2009. Preference will be given to non-profit organizations located in Jackson County. After July 5, 2009, the County Legislature may set by resolution, approved on or before 5:00 p.m. on February 28th of each year, an annual limit on the number of permits that may be issued which limit shall continue in effect until further resolution of the County Legislature.

5627.2. Permit, Application and Issuance.

Any non-profit organization desiring to sell or offer for sale permitted fireworks within the County shall make a timely, written application to the County for the issuance of a permit on a form to be provided by the Clerk of the Legislature.

5627.3. Procedures for Initial Permits for 2009.

Commencing with the 2009 permit year, any qualified non-profit organization will make application through the Clerk of the Legislature on or before March 1st of each year. The Clerk shall notify the Legislature of the permits proposed to be issued. The Legislature may reject the issuance of any initial permit within 15 days of the notice from the Clerk. Any such person, firm or corporation making application for a permit in 2009 or subsequent years shall accompany the application with current proof of insurance which shall remain on file with the Clerk of the Legislature.

5627.3.1. Maintain Insurance.

The applicant shall maintain adequate insurance coverage for any liability that might arise from the sale and storage of the fireworks.

5627.3.2. Denial by Clerk; Zoning Requirements.

The denial of a fireworks permit shall be at the sole discretion of the Clerk based upon the foregoing requirements; and all applications must contain

the name of the applicant and a detailed description of the proposed location and the provisions to be taken for fire protection under the Jackson County Code. Any site location is limited to property which is zoned for an appropriate commercial or industrial use and any required special use permits or zoning variances; and the actual stand, tent or facility shall be at least fifty (50) feet from any temporary or permanent building. The applicant must provide the Clerk with documentation of these facts.

5627.4. Information Required for Approval.

In support of the application to the Clerk, the applicants are required to set forth the intended use of the funds produced from the fireworks sale, together with a proposal projecting the financial benefits from the operation of the fireworks stand, including the profit percentage expected by the applicant for the sale of the fireworks; and applicants shall satisfy the Clerk that all monies collected from the sale of fireworks will be the funds of the non-profit organization subject to payment of expenses.

5627.5. Permit Renewals and New Applications.

In the event fireworks permits are available for succeeding years, the Clerk shall give preference to applicants for a fireworks permit who were permit holders in the year 2009 or in the year prior to the application. Applicants must complete

and submit the application on or before April 29th of each year. The Clerk shall notify the Legislature of the available permits proposed to be issued on or before May 6th. The Legislature shall have seven (7) days in which to reject any proposed permit. The Clerk shall issue the permits within seven (7) days following the seven day period. The Legislature is the sole judge of the basis for rejection of a proposed permit.

5627.6. Permits Non-Transferable.

All permits issued and approved by the Legislature are personal to the applicant and non-transferable. The sale of fireworks or operation of a facility for the sale of fireworks by someone other than the license holder shall void the permit and cause forfeiture of the permit fee and constitute grounds for denial of any future permit.

5627.7. Distribution of Fees.

All fees collected from fireworks permits shall go to the General Fund.

5627.8. Application Fee.

Any such person, firm or corporation making application for a permit to the Clerk of the Legislature shall accompany said application with a fee of five hundred dollars (\$500.00) for each location that a permit is sought. If the issuance of the permit is denied by the Clerk or rejected by the Legislature, four hundred


(\$400.00) of the five hundred dollars (\$500.00) fee shall be returned to the applicant with one hundred dollars (\$100.00) retained by the Clerk as an administrative fee. If such application is approved, then the total fee shall be five hundred dollars (\$500.00) which shall be retained by the County.

5627.9. Sales by Volunteers Required.

No non-profit organization shall allow anyone other than unpaid volunteers of said organization to participate in any respect in the sale of fireworks or operation of the place of sale.

Effective Date: This Ordinance shall be effective immediately upon its passage by the County Executive.

APPROVED AS TO FORM:



Chief Deputy County Counselor



County Counselor

I hereby certify that the attached Ordinance, Ordinance No. 4734 introduced on May 4, 2015, was duly passed on May 11, 2015 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 8

Nays 0

Abstaining 0

Absent 0

Excused 1

This Ordinance is hereby transmitted to the County Executive for his signature.

May 12, 2015
Date



Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 4734.

5-13-15
Date



Michael D. Sanders, County Executive