

**AN ORDINANCE REPEALING ORDINANCE NUMBER 1910-06-10,
AND ENACTING AN ORDINANCE ESTABLISHING RULES AND
REGULATIONS PERTAINING TO FIREWORKS WITHIN THE
CITY OF OSBORN, MISSOURI.**

Be it ordained by the Board of Alderman of the City of Osborn, Missouri that:

WHEREAS, it shall be lawful to discharge fireworks, within the City of Osborn, Missouri;

- a) For the purpose of this section, the following terms shall have the meanings indicated:

Consumer Fireworks – Consumer fireworks means 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, as amended from time to time, and which were formerly classified as class C common fireworks by regulation of the United States Department of Transportation, as amended from time to time.

Fireworks – Includes firecrackers, torpedoes, rockets, or combustibles of ingenious or pyrotechnical character, said device either being used for the purpose of producing noise, light or effects produced by gunpowder, metallic filings or salts or other materials. 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 87-1 standards.

Fireworks Distributor – Any person engages 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 320.016 to 320.161, RSMo, including any person that imports any fireworks of any kind in any manner into the State of Missouri.

Seasonal Retailer – Any person engages, only from June 20 through July 10, in the business of making sales of consumer fireworks in the City.

Discharge Site means the area immediately surrounding the fireworks mortars used for an outdoor fireworks display.

Display Fireworks means 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.

Display Site means 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.

Licensed Operator means 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.

Permanent Structure means buildings and structures with permanent foundations other than tents, mobile homes, and trailers.

Person means any corporation, association, partnership or individual or group thereof.

SECTION 1. No person shall ignite, discharge or set off fireworks within the corporate limits of the City of Osborn except between the hours of 8:00 a.m. to 11:59 p.m. on July first, second, third and fourth, annually.

SECTION 2. No person, firm or corporation shall sell, expose for sale, offer to give away, or provide any fireworks from a private residence or dwelling within the corporate City limits.

SECTION 3. No person shall sell, offer for sale, trade, give away or otherwise make fireworks available to any other person within the corporate limits of the city except between June 20 through July 4, inclusive, of each year. All seasonal fireworks retailers shall be licensed by the State of Missouri and Dekalb/Clinton Counties, to sell, offer for sale, trade, give away or otherwise make available fireworks. All seasonal retailers will comply with the permit procedures, promulgated rules and regulations as set forth by the Missouri State Fire Marshal.

SECTION 4. Nothing in this ordinance is construed as applying to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation, nor as applying to the military or naval forces of the United States or of this state or to peace officers, nor as prohibiting the sale or use of blank cartridges for ceremonial, theatrical or athletic events or agricultural purposes.

SECTION 5. Any person or persons being in violation of any previous section of this ordinance shall, upon conviction of said violation, be fined not less than \$50.00 nor more than \$500.00 in addition to any fees associated with impoundment, or court costs.

SECTION 6. This ordinance shall be effective from and after the date of its passage.

Prior Ordinances Repealed: Ordinance number 1910-06-10 is hereby repealed in its entirety.

PASSED AND APPROVED this 12th day of June, 2019.

David E. Meek, Mayor

ATTEST: _____
Jody Barlow, City Clerk