

FIREWORKS LICENSE APPLICATION
City of Independence, Missouri
Finance Department - Licensing Division
P O Box 1019, Independence, MO 64051 (Mailing Address)
111 E. Maple, Independence, MO 64050 (Street Address)

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 _____ - _____
Phone (____) _____ Ext. _____ Fax No. (____) _____ Cell Phone: (____) _____
Internet Address _____

CONTACT and LOCATION INFORMATION

<u>Name</u>	<u>Home Address</u>	<u>City, State, Zip</u>
_____	_____	_____
Work Phone: _____	Home Phone: _____	Cell Phone: _____

Location of Proposed Fireworks Stand:

Address: _____
Property Owner: _____ Address: _____
City, State, Zip: _____ Phone:(____) _____
Internet Address _____

Fireworks Supplier:

Name: _____ Address: _____
City, State, Zip: _____
Phone:(____) _____ Ext. _____ Fax: (____) _____
Internet 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 received in License Division: _____ **Application #** _____

Submit the following items with each application:

1. **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.
2. **Insurance Requirement:** A commitment or proof of insurability.
3. **Site Plan:** Five (5) copies of the Site Plan.
4. **Security Plan:** Five (5) copies 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.
5. **License Fee:** Payment of a non-refundable license fee of two hundred and fifty dollars (\$250.00).
6. **Property Owner Agreement:** A signed and dated written agreement from property owner allowing the not-for-profit organization the use their property to operate a fireworks stand. This agreement must include the name, address and telephone number of the property owner.

Staff will not process applications submitted without the six items identified above. Should you have questions regarding the processing of your application please call (816) 325-7078.

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. 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. In conformance with State Statutes, you will need to provide a "Certificate of No Tax Due" (which is provided by the Missouri Department of Revenue) to the City.
3. 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.

The License Division will not issue a firework license until we receive the above items.

City of Independence, Missouri
Rules & Regulations Regarding the Sale and Use of Fireworks
(Code Sections 9.01.003)
Updated as of January 20, 2011

General Requirements for Sale and Use of Fireworks:

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

1. 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.
2. The manufacture, assembly and testing of fireworks shall be permitted only in compliance with Section 3305 of the International Fire Code.
3. The possession and use of Division 1.3G fireworks shall be permitted only in accordance with Section 3308 of the International Fire Code.
4. 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:
 - A. Bottle rockets, aerial missile and similar devices
 - B. Sparkler bombs
 - C. Altered or combined fireworks
5. 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.
6. 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.
7. It shall be unlawful for any person to throw, use, explode, detonate, or shoot fireworks within any structure.
8. 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.
9. 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.
10. 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.
11. 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. Business 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 3301.2.2 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.

There shall be one license for each 10,000 people or part thereof within the City, available annually:

- for not-for-profit organizations whose primary purpose is religious, education, youth related or community service and which are located within the City: or,
- 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.

Currently thirteen (13) licenses will be available.

- (1) Applications shall be made to the City's Director of Finance on a form provided by the City between the 2nd Monday of April and the following Friday in April.
- (2) In the first year after the effective date of this ordinance, the Director of Finance shall randomly select applications properly filed by the deadline for processing.
- (3) Applications shall be processed in the order selected.
- (4) In subsequent years, from all applications received by 5:00 p.m. on the final due date, the Director shall first consider those from organizations that have previously had a license. If there are fewer applications from organizations that have previously had licenses than available licenses, the City shall randomly select from the remaining applications for license consideration.
- (5) An organization shall be allowed to have only one (1) license unless there are an insufficient number of applicants to issue the authorized number of licenses or if an additional license is issued pursuant to this subsection.
- (6) If there is an area or areas of the City where the licensed organizations have not proposed to locate the Director of Finance is authorized to issue licenses in addition to those authorized by population for the purpose of serving the area or areas. Not more than two (2) additional licenses are authorized.
- (7) Incomplete applications shall be rejected and further randomly selected applications considered until all licenses have been issued.

B. 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.

C 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.

D 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 extend above or beyond the limits of the primary structure);
- (12) Other information as may be required by the City to ensure public health and safety.

E. 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.

F. License Fee. The fee for each Business License issued pursuant to this section shall be two hundred and fifty dollars (\$250.00) which shall be paid at the time of application.

G. Sales Tax Collection. All vendors licensed by the City to sell fireworks shall collect all sales taxes on 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.

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. Bottle rockets, aerial missile and similar devices
2. Sparkler bombs
3. Altered or combined fireworks

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.”

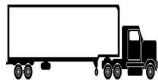


Independence Missouri Fire Department Fireworks Tent Requirements 2011



100 feet from nearest house, building or structure

 No Smoking within 100 feet of tent 



Minimum of 25 feet to fireworks storage trailer



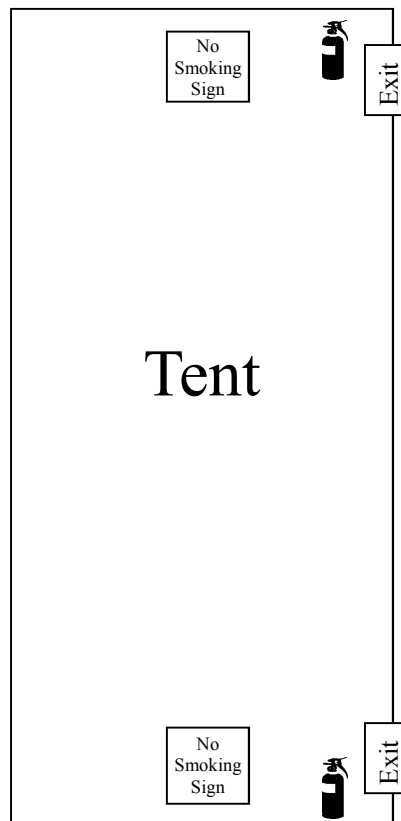
Minimum of 25 feet to trash containers



Minimum of 25 feet to nearest generator

No brush or combustible materials within 25 feet of tent

No brush or combustible materials within 25 feet of tent



No brush or combustible materials within 25 feet of tent

No parking within 25 feet of tent

No brush or combustible materials within 25 feet of tent



No more than 300 feet to fire hydrant

No parking within 25 feet of tent



City of Independence, Missouri Firework Tent Site Plan Checklist

Updated as of February 2, 2010

Yes	No	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Address or Site Location (no sales or storage with a residential district or within 300 feet of any permanent storage of ignitable liquid, gases, gasoline pump, or gasoline filling station)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Property Owner Name, Address and Phone Number
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tent Operator Name, Address and Phone Number
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Size of lot and tent
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Location of tent(s) and other structures and equipment including trailers and storage units on the lot (a maximum of two semi truck trailers per location permitted or the equivalent of trailer storage)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Location of required restroom facility (a minimum of 1 portable facility on-site is required)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Location of required dumpsters (a minimum of one 2-yard dumpster for a location having 1,000 sq ft or less and a minimum of two 2-yard dumpsters or a 4-yard dumpster for a location having more than 1,000 sq ft. of sales area.)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Location of permanent or proposed temporary electrical service
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Location of on-site, off-street customer parking spaces (a minimum of one space per 300 sq ft of sales area)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Location of nearest fire hydrant within 300 feet
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Location of signs (no off-premise signage is permitted; no sign may extend above or beyond the limits of the primary structure.)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tent properly anchored to the ground

Notes:

1. Each vendor will pre-mark and outline the tent position by utilizing temporary paint spray pattern on the ground surface or parking lot 2 weeks before the tent is officially set-in-place.
2. Site location inspection: The Fire Department will meet with a representative for each tent at the proposed site when they are marked. Any tent that does not meet the minimum distance requirements must be moved so it does meet requirements.
3. Once a site plan is approved, if the vendor wants to change the size of their tent, a new site location inspection must be done to insure that all minimum distance requirements are met.



Independence, Missouri Fire Department Inspection Checklist for Fireworks Tents

Updated as of February 2, 2010

- | Yes | No | N/A | |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | No smoking signs shall be conspicuously placed throughout the tent |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Maintain 36" aisles throughout the tent which will be unobstructed |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Maintain required number of exits (no less than two exits are needed, but it is based upon the size of the tent) |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Illuminated exit signs with battery backup are required when the tent is occupied after dusk |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Emergency lighting with battery backup are required when the tent is occupied after dusk |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Maintain a 25' distance from tent guide wires and ropes from parking |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Maintain a 25' distance from brush and combustible materials around and inside the tent |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Maintain a 25' distance from fireworks storage trailers to the tent |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Maintain a 25' distance from temporary or portable power sources such as a generator to the tent |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Maintain a 25' distance from any trash dumpster or container to the tent |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Maintain a 100' distance from any permanent building to the tent |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | A fire hydrant will be located within 300' of the tent |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | A pressurized water canister or a 2A rated ABC dry chemical extinguisher will be located near each exit inside the tent |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | A flame retardant certification will be located on the tent material surface or proper certifying paper work will be displayed at the site |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Have available for inspection staff, an inventory list from the distributor, for all fireworks to be sold at the site |