

CITY OF WILLARD, MISSOURI

224 W. Jackson Street P.O. Box 187 Willard, MO 65781 417-742-3033 417-742-3080 Fax



MEETING AGENDA AND PACKET

BOARD OF ALDERMEN

Special Meeting

June 9, 2010

6:00 PM - Willard City Hall

224 W. Jackson Street

Mayor

Jamie Schoolcraft

Board Members

Board President: Richard Simpson

David Hemphill

Doug Johnson

Pat Lloyd

Tim Magee

Bryan Vincent

**CITY OF WILLARD
BOARD OF ALDERMEN
SPECIAL MEETING
JUNE 9, 2010
6:00 P.M.**

Notice posted on June 8, 2010

Notice is hereby given that the City of Willard, Board of Aldermen will conduct a special meeting at 6:00 p.m. June 9, 2010, at Willard City Hall 224 W. Jackson St. Willard, Missouri.

The tentative agenda of this meeting includes:

Call the meeting to order

1. Roll Call
2. Fireworks Ordinance
3. Adjourn Meeting

REPRESENTATIVES OF THE NEWS MEDIA MAY OBTAIN COPIES OF THIS NOTICE BY CONTACTING:

Dale Duvall or Kate Gould
224 West Jackson
P O Box 187
Willard, MO 65781

IF YOU HAVE SPECIAL NEEDS, WHICH REQUIRE ACCOMMODATION, PLEASE NOTIFY CITY PERSONNEL AT CITY HALL. ACCOMMODATIONS WILL BE MADE FOR YOUR NEEDS.

Dale Duvall, City Clerk

CITY OF WILLARD BOARD OF ALDERMEN SPECIAL MEETING



AGENDA ITEM # 2 FIREWORKS ORDINANCE

ACTION REQUESTED – APPROVE 1ST AND 2ND READING

ITEM DESCRIPTION:

Included in this packet are two versions of the Fireworks Ordinance. Both ordinances have been posted 24 hours in advance of the meeting.

The first version of the ordinance includes changes made at the suggestions of the Aldermen on June 7, 2010 at the Board of Aldermen meeting.

The second version includes these suggestions and additional requirements and changes made by city staff.

Staff is proposing that you discuss both ordinances at the meeting. Once discussion is complete you can pass one of the ordinances or neither of the ordinances at the meeting.

Unfortunately staff could not complete these ordinances and changes earlier in the day for further input. Therefore these are the final versions that will be posted 24 hours in advance of the meeting.

Please call Dale Duvall, Kate Gould or Randy Brown if you have questions about the staff changes.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE

AN ORDINANCE APPROVING A MUNICIPAL CODE AMENDMENT TO SECTION 210.207 OF THE MUNICIPAL CODE OF THE CITY OF WILLARD PERTAINING TO FIREWORKS.

NOW THEREFORE, BE IT HEREBY ORDAINED AND RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF WILLARD, GREENE COUNTY, MISSOURI, AS FOLLOWS:

Section 1: The City does hereby amend Title II. Public Health, Safety and Welfare, Chapter 210: Offenses, Article IV. Offenses Concerning Public Safety, Section 210.207 as follows:

ARTICLE IV. OFFENSES CONCERNING PUBLIC SAFETY

SECTION 210.207: FIREWORKS—SALE, USE OR STORAGE

- A. It shall be unlawful to store, **discharge**, or use any fireworks or pyrotechnics in the City of Willard except as ~~may be necessary for the performance under permit of a public exhibition of fireworks or pyrotechnics as~~ herein provided.
- B. ~~It shall be unlawful to sell or offer for sale any fireworks or pyrotechnics in the City of Willard except as may be necessary for the performance under permit of a public exhibition of fireworks or pyrotechnics as herein provided.~~

Unless a burn ban is in effect, the discharge and use of fireworks by the general public is permitted inside the City limits of Willard for the following dates:

July 4th between the hours of from 2:00p.m. and 11:00p.m. through July 5th to 12:30a.m.
December 31st from 2:00p.m. through January 1st to 12:30a.m.

However, the discharge and use of fireworks must be done safely, and any complaint that details hazardous activities, malicious conduct or any act in conflict with City Ordinances, State or Federal laws may result in the seizure of fireworks and/or prosecution in accordance with applicable law. Additionally, anyone under the age of 17 must be supervised by a parent or adult when handling, discharging, or assisting in the discharge of fireworks.

The possession, discharge, or use of fireworks is limited to consumer fireworks known as 1.4G (formerly known as Class C), except as provided in Section C set forth below.

It shall be unlawful to possess, discharge, or use fireworks at any of the city parks or on public property, except as provided in Section C set forth below.

- C. It shall be lawful to ~~sell, offer for sale,~~ store or use fireworks and pyrotechnics in the City of Willard in connection with a public exhibition of fireworks or pyrotechnics only after a permit for public exhibition of fireworks and pyrotechnics has been granted. A fee of fifteen dollars (\$15.00) shall be paid.

BILL NO. _____

ORDINANCE NO. _____

An application for a permit to hold a public exhibition of fireworks and pyrotechnics shall be made to the Mayor twenty (20) days prior to the proposed exhibition. The application shall describe the following:

1. The place, date, starting time and ending time of the proposed exhibition.
2. The price to be charged, if any.
3. The distance the general public shall be away from the place of ignition.
4. The number of fire prevention guards and types of extinguishing devices to be available.
5. A description of the amount and type of fireworks and pyrotechnics to be used.

The permit shall be granted by the Mayor, who may consult with the Fire Marshal, only if the exhibition is to be conducted under such conditions as to keep persons and property reasonably safe from injury and as to not unreasonably disturb the peace of the community. (Ord. No. 041213C §§1-3, 12-13-04)

D. It shall be lawful to sell or offer for sale fireworks within the City of Willard in accordance with the following regulations:

- 1. Persons operating temporary fireworks stands are temporary use vendors pursuant to Section 400.530.**
- 2. Fireworks stands shall display signs reading "FIREWORKS FOR SALE – NO SMOKING ALLOWED".**
- 3. All the area within and adjacent to tents or stands shall be maintained clear of grass, shavings or any combustible materials.**
- 4. Fireworks stands must have a minimum aisle width of thirty-six (36) inches, kept free and unobstructed at all times.**
- 5. Fireworks stands must have a minimum exit way of forty-four (44) inches, and a minimum of three (3) exits are required.**
- 6. Portable fire extinguishing equipment must be kept on premises at all times.**
- 7. Electrical cords from the meter to the tent must be 12-2 with ground exterior wire.**
- 8. All circuits entering the stand shall be protected by a GFI breaker.**
- 9. Hours of operation shall be June 20-July 2, 8:00a.m. to 11:00p.m., and July 3-4, 6:00a.m. to 12 midnight.**

E. The penalty for the violation of any part of this ordinance is a fine of not more than Five Hundred (\$500) Dollars or a term in jail of not more than ninety (90) days, or both such fine and jail sentence.

The Willard Police Department shall seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored or held in violation of this article.

BILL NO. _____

ORDINANCE NO. _____

Section 2: This Ordinance shall be in full force and effect from and after the date of its passage by the Board of Aldermen and approval of the Mayor.

READ TWO TIMES AND PASSED AT A MEETING OF THE BOARD OF ALDERMEN OF THE CITY OF WILLARD, MISSOURI ON THE ____ DAY OF _____, 2010.

MEMBERS OF THE BOARD OF ALDERMEN:

YES

NO

 RICHARD SIMPSON

 DOUG JOHNSON

 PAT LLOYD

 DAVID HEMPHILL

 TIM MAGEE

 BRYAN VINCENT

APPROVED BY:

 JAMIE SCHOOLCRAFT, MAYOR

ATTEST:

 DALE DUVALL, CITY CLERK

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE

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Section 1: The City does hereby amend Title II. Public Health, Safety and Welfare, Chapter 210: Offenses, Article IV. Offenses Concerning Public Safety, Section 210.207 as follows:

ARTICLE IV. OFFENSES CONCERNING PUBLIC SAFETY

SECTION 210.207: FIREWORKS—SALE, USE OR STORAGE

- A. It shall be unlawful to store, **discharge**, or use any fireworks or pyrotechnics in the City of Willard except as ~~may be necessary for the performance under permit of a public exhibition of fireworks or pyrotechnics as~~ herein provided.
- B. ~~It shall be unlawful to sell or offer for sale any fireworks or pyrotechnics in the City of Willard except as may be necessary for the performance under permit of a public exhibition of fireworks or pyrotechnics as herein provided.~~

Unless a burn ban is in effect, the discharge and use of fireworks by the general public is permitted inside the City limits of Willard for the following dates:

July 4th between the hours of from 2:00p.m. and 11:00p.m. through July 5th to 12:30a.m.
December 31st from 2:00p.m. through January 1st to 12:30a.m.

However, the discharge and use of fireworks must be done safely, and any complaint that details hazardous activities, malicious conduct or any act in conflict with City Ordinances, State or Federal laws may result in the seizure of fireworks and/or prosecution in accordance with applicable law. Additionally, anyone under the age of 17 must be supervised by a parent or adult when handling, discharging, or assisting in the discharge of fireworks.

The possession, discharge, or use of fireworks is limited to consumer fireworks known as 1.4G (formerly known as Class C), except as provided in Section C set forth below.

It shall be unlawful to possess, discharge, or use fireworks at any of the city parks or on public property, except as provided in Section C set forth below.

- C. It shall be lawful to ~~sell, offer for sale,~~ store or use fireworks and pyrotechnics in the City of Willard in connection with a public exhibition of fireworks or pyrotechnics only after a permit for public exhibition of fireworks and pyrotechnics has been granted. A fee of fifteen dollars (\$15.00) shall be paid.

BILL NO. _____

ORDINANCE NO. _____

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1. The place, date, starting time and ending time of the proposed exhibition.
2. The price to be charged, if any.
3. The distance the general public shall be away from the place of ignition.
4. The number of fire prevention guards and types of extinguishing devices to be available.
5. A description of the amount and type of fireworks and pyrotechnics to be used.

The permit shall be granted by the Mayor, who may consult with the Fire Marshal, only if the exhibition is to be conducted under such conditions as to keep persons and property reasonably safe from injury and as to not unreasonably disturb the peace of the community. (Ord. No. 041213C §§1—3, 12-13-04)

D. It shall be lawful to sell or offer for sale fireworks within the City of Willard in accordance with the following regulations and fireworks stand requirements:

- 1. Persons operating temporary fireworks stands are temporary use vendors pursuant to Section 400.530.**
- 2. Smoking or open flame is not allowed within twenty (20) feet of a fireworks stand and all fireworks stands shall display signs, with letters being at least 4" in height, reading "FIREWORKS FOR SALE – NO SMOKING ALLOWED".**
- 3. Fireworks stands shall display at least one (1) sign which reads as follows, with letters being at least 4" in height, "NO FIREWORKS DISCHARGED WITHIN 100 FEET".**
- 4. Exit signs are required to be illuminated.**
- 5.3. All the area within and adjacent to tents or stands shall be maintained clear of grass, shavings or any combustible materials.**
- 6.4. Fireworks stands must have a minimum aisle width of ~~thirty-six (36)~~ forty-eight (48) inches, kept free and unobstructed at all times.**
- 7.5. Fireworks stands must have a minimum exit way of ~~forty-four (44)~~ seventy-two (72) inches, and a minimum of ~~three (3)~~ two (2) exits are required. Exits shall be remote from each other.**
- 8.6. Portable fire extinguishing equipment must be kept on premises at all times. A minimum of two are required with one being water pressurized.**
- 9.7. Electrical cords from the meter to the tent must be 12-2 with ground exterior wire.**
- 10.8. All circuits entering the stand shall be protected by a GFI breaker.**
- 11. All wiring is required to be out of reach or buried.**
- 12. Light fixtures are required to have bulbs placed in all sockets. Interior lighting cannot be placed directly over the sales counters. Exterior lighting must be designed for exterior use.**
- 13. Fireworks stands must be located outside of electrical easements and at least fifteen (15) feet from any overhead utility lines.**

BILL NO. _____

ORDINANCE NO. _____

- 14. All fireworks stands must be a minimum of one hundred (100) feet from any use involving sale or storage of gasoline, LP gas or any combustible product.
- 15. A certificate shall be required by an organization or laboratory of recognized standing or manufacturer verifying that the tent fabric material has been treated with a flame resistant material.
- 16. No motor vehicle parking within ten (10) feet of fireworks stand location.
- 17. 9.Hours of operation shall be June 20-July 2, 8:00a.m. to 11:00p.m., and July 3-4, 6:00a.m. to 12 midnight.

E. The penalty for the violation of any part of this ordinance is a fine of not more than Five Hundred (\$500) Dollars or a term in jail of not more than ninety (90) days, or both such fine and jail sentence.

The Willard Police Department shall seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored or held in violation of this article.

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READ TWO TIMES AND PASSED AT A MEETING OF THE BOARD OF ALDERMEN OF THE CITY OF WILLARD, MISSOURI ON THE ____ DAY OF _____, 2010.

MEMBERS OF THE BOARD OF ALDERMEN:

YES

NO

RICHARD SIMPSON

DOUG JOHNSON

PAT LLOYD

DAVID HEMPHILL

Version 2

BILL NO. _____

ORDINANCE NO. _____

TIM MAGEE

BRYAN VINCENT

APPROVED BY:

JAMIE SCHOOLCRAFT, MAYOR

ATTEST:

DALE DUVALL, CITY CLERK