

Chapter 800: FIREWORKS

ARTICLE X. GENERALLY

SECTION 800.010: DEFINITION

For purposes of this Article, the term "*fireworks*" shall mean and include any combustible or explosive compositions or any substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation.

SECTION 800.020: UNLAWFUL TO SELL -- EXCEPTIONS

Except as hereinafter provided, it shall be unlawful for any person to store, sell or offer for sale fireworks of any type within the Village limits; provided however, notwithstanding any ordinance or fire code provisions to the contrary, sale of fireworks shall be permitted by local, nonprofit, religious or community service organizations, or by resident of the Village. To qualify as such a qualified seller, the applicant must provide evidence at a regularly scheduled monthly meeting in Wardsville or directly to the Village clerk.

SECTION 800.030: PERIOD OF SALE LIMITED

The period during which sale of fireworks is lawful by licensed fireworks vendors shall begin 14 days prior to July 4 and end 7 days following July 4 of each year.

SECTION 800.040: STORAGE

Fireworks shall not be kept for sale or stored in any location where paints, oils, varnishes, turpentine, gasoline or other flammable or combustible items are stored. If stored in a business where such items are located, they must be stored in a distinct and separate location and away from such items.

SECTION 800.050: HANDLING FIREWORKS IN MANNER LIKELY TO CAUSE

PROPERTY DAMAGE OR INJURY

It shall be unlawful for any person to throw or place any fireworks, including pyrotechnic devices, in such a manner that the explosion of same will be likely to endanger or cause injury or damage to any person or real or personal property.

SECTION 800.060: SIGNS REQUIRED

Two signs, red in color and a minimum of two (2) feet by four (4) feet in size, with white lettering, bearing the words "No smoking allowed nor discharging fireworks within one hundred (100) feet of stand" shall be displayed. Six (6) temporary off-site signs, balloons, or animations located on commercial or industrial zoned property are permitted. Signs are limited to those allowed as temporary signs under Wardsville Ordinance 151. Signs are permitted only during the period that the sale of fireworks is permitted, and they must be removed by July 18. Sign permits are not required for the above signs.

SECTION 800.070: FIRE EQUIPMENT

The Osage Fire Protection District shall, in accordance and consistent with the International Fire Code, establish rules and regulations governing the acquisition, placement and usage of fire equipment required to be furnished by the vendor. All such required equipment shall be kept at the site of sale at all times. Failure to comply with such standards shall be cause for immediate closing of the site by order of the Village Police and immediate revocation of the vendor's rights to operate hereunder.

SECTION 800.080: STRUCTURE

Structures, including tents, used for the sale of fireworks must be approved by the Osage Fire Protection District.

SECTION 800.090: DISCHARGE LAWFUL -- WHEN

The discharge, detonation or shooting of fireworks shall only be permitted between the hours of 9:00 A.M. and 11:00 P.M. on the first (1st) through seventh (7th) of July each year. The explosion of fireworks at any other times is unlawful, except by special permit of the Board of Trustees.

SECTION 800.100: PENALTY

Any person violating any provision of this Article shall be deemed guilty of a code violation, and upon conviction thereof, shall be subject to punishment by a fine of up to \$500.00 per violation.

ARTICLE XI. PERMITS

SECTION 800.110: SALES -- PERMIT REQUIRED

Organizations permitted to sell fireworks by this Ordinance shall procure and display permits as provided in this Article.

SECTION 800.120: SALES -- APPLICATION -- FEE -- CONTENTS -- SCOPE -- DENIAL

A. Any person making application for a permit for sale of fireworks shall file a written request with the Village Clerk not later than 30 days prior to the date such person begins the sale of fireworks. The application must be accompanied by a fee of one hundred dollars (\$100.00) per location. If the application is denied, all fees will be returned to the applicant. Such application also must be accompanied by a certificate of bond or insurance as set forth in Section 3 of this Article II.

B. All applications for sales permits shall contain the name and address of the person making application; and the name and address of firm, agency or organization for which the person is acting. Additionally, the application shall contain a detailed description as to the location of all sales sites; type of structures from which sales are to be made; and provisions for fire protection. The site location is limited to property which is zoned for commercial or industrial use; and the actual stand, tent or facility shall be at least one hundred (100) feet from any temporary or permanent building.

C. Each applicant must then appear before the Board of Trustees at a regular meeting, at which time the applicant must present for consideration by the Board of Trustees the location of the fireworks stand, tent size and related information as required by this Article. All permits issued and approved by the Board of Aldermen are personal to the applicant and nontransferable. 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. No permit shall be issued until an authorized representative of the applicant shall have appeared at a meeting of the Board of Trustees and provided the information herein set forth, together with any other information requested by the Board.

D. The grant or denial of a fireworks permit shall be at the sole discretion of the Board of Trustees based upon the foregoing standards.

SECTION 800.130: SALES -- CERTIFICATE OF BOND OR INSURANCE PREREQUISITE

A certificate of bond or liability insurance in the amount of one hundred thousand dollars (\$100,000.00) with the Village listed as an additional named insured shall be required by the Village Clerk and shall be attached to the application for a sales permit prior to submission to the Board of Trustees for approval. Failure to provide such certificate will be automatic grounds for disapproval of the application.

SECTION 800.140: SALES -- ISSUANCE OF PERMITS

Sales permits will be issued upon approval by the Board of Trustees provided all requirements contained herein have been met. Any permits issued hereunder shall not be transferrable and shall expire at 11:00 P.M., July 18 of the year issued. The sale of fireworks or operation of a place of sale by any other party than the permittee shall void the permit.