

Bill No. 420

Ordinance No. 09-008

AN ORDINANCE TO REPEAL ORDINANCE 03-02 AND TO ESTABLISH CHARGES AND SET UP REGULATIONS FOR THE SALE AND DISPLAY OF FIREWORKS AND FIRECRACKERS WITHIN THE CORPORATE LIMITS OF CITY OF CLEVELAND AND PROVIDING A PENALTY FOR THE VIOLATION OF ORDINANCE. THAT THIS ORDINANCE ON ITS PASSAGE WILL SUPERSEDE PREVIOUS ORDINANCES RELATIVE TO VARIOUS REGULATIONS CONCERNING REGULATIONS FOR THE SALE AND DISPLAY OF FIREWORKS AND FIRECRACKERS AND PROVIDING A PENALTY.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CLEVELAND, MISSOURI AS FOLLOWS:

Section 1. Ordinance No. 03-02 is hereby repealed.

Section 2. SALE OF FIREWORKS

- a. It shall be unlawful for any person to sell or offer for sale any type or kind of fireworks or firecrackers within the corporate limits of City of Cleveland, except from 8:00a.m. June 28th, to 10:00 p.m. July 4th.
- b. It shall be unlawful for any person to sell bottle rockets at anytime within the corporate limits of the City.

Section 3. LICENSE REQUIRED

- a. No person, organization or corporation shall sell, or display for sale, any fireworks or firecrackers within the corporate limits of City of Cleveland without first having obtained a permit from the State Fire Marshal as required by Section 320.111, RSMo, then obtaining a license from the City for such sale or display.
- b. The City shall not grant in excess of three (3) such licenses in any one year.
- c. Applications for a license to sell fireworks and firecrackers shall be submitted to the City Clerk's Office no later than June 1st, of each year.
- d. License fee for said fireworks license shall be twenty dollars (\$20.00).

Section 4. SALE FROM PUBLIC PROPERTY PROHIBITED

Fireworks and firecrackers shall not be sold or advertised for sale from any street, alley, sidewalk or other public property within the corporate limits of the City.

Section 5. SHOOTING OF FIREWORKS & FIRECRACKERS-LIMITED

It shall be unlawful to shoot, ignite, or discharge in any manner any type of fireworks or firecrackers except three (3) days before July 4th and three (3) days after July 4th from 8:00 a.m. to 10 p.m. on weekdays and 8:00 a.m. to Midnight on July 4th and Friday and Saturday within the corporate limits of the City. It shall be unlawful to shoot, ignite, or discharge in any manner any type of fireworks or firecrackers on public property except as specified in Section 6 (six). It shall be unlawful for any person to shoot bottle rockets at anytime within the corporate limits of the City.

Section 6. PUBLIC DISPLAY PERMIT

The Board of Aldermen may issue a public display permit to discharge or shoot fireworks on public property within the corporate limits of the City of Cleveland on July 4th, if the same is a public display, for which no admission charge is collected and is sponsored and conducted by a local organization.

Section 7. SPECIAL OCCASIONS/EVENTS PERMIT

The Board of Aldermen may issue a special occasions/events permit to a resident of the City of Cleveland to discharge or shoot fireworks on private property within the corporate limits of the City of Cleveland for special occasions/events. Written consent of immediate neighbors within thousand feet (1000 ft) required prior to the issuance of special occasions/events permit.

Section 8. INTENTIONAL USE OF FIREWORKS TO HARM ANOTHER PERSON OR ANIMAL

It shall be unlawful within the corporate limits of the City of Cleveland for any person to intentionally throw, explode, shoot, ignite, or discharge in any manner any type of fireworks or firecracker in the general direction of any person or animal in such manner as may risk bodily harm.

Section 9. THROWING FIREWORKS TOWARD OR FROM MOTOR VEHICLES

It shall be unlawful within the corporate limits of the City of Cleveland for any person to toss, throw, or in any manner cause any type of fireworks or firecracker to be discharged or ignited in the direction of any vehicle, whether moving or stopped.

Section 10: Any person who violates the terms of this ordinance shall, upon conviction or a plea of guilty, be fined not more than \$500.00

Section 11. EFFECTIVE DATE: That this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED THIS 2ND DAY OF JUNE 2009, BY THE BOARD OF ALDERMEN OF THE CITY OF CLEVELAND, MISSOURI.

Alderman Aksamit Aye

Alderman Fisher Aye

Alderman Campbell Aye

Alderman Muller Aye

Alderman Crumpley Aye

Alderman Smith Aye

Mayor Masterson (in event of tie only) _____

Patricia A. Masterson

Mayor Patricia A. Masterson

ATTEST:

Tasneem Nawaz
City Clerk Tasneem Nawaz

APPROVED by the Mayor of said city this 2nd day of June 2009.

Patricia A. Masterson

Mayor Patricia A. Masterson

