



City of Smithville, Missouri

Board of Aldermen - Work Session Agenda

October 19, 2021

6:30 p.m. – City Hall Council Chambers *Via Videoconference*****

NOTICE: *Due to the Health Officer's orders for safety, public meetings and public comment during public meetings will require modification. The City of Smithville is committed to transparent public meetings and will continue this commitment during the COVID-19 crisis. Anyone who wishes to view the meeting may do so in real time as it will be streamed live on the city's FaceBook page through FaceBook Live.


For Public Comment, please email your request to the City Clerk at ldrummond@smithvillemo.org prior to the meeting to be invited via Zoom.

1. Call to Order
2. Discussion of Regulations for Fireworks
3. Adjourn

Join Zoom Meeting
<https://us02web.zoom.us/j/87835748102>

Meeting ID: 878 3574 8102
Passcode: 668356



	<div>STAFF</div> <div>REPORT</div>
Date:	October 19, 2021
Prepared By:	Anna Mitchell, Assistant City Administrator Jason Lockridge, Police Chief
Subject:	Fireworks Ordinance

Staff was asked by the Board to research the feasibility of increasing restrictions on fireworks within the city limits, specifically to review a potential change to the ordinance to expand language to include arial fireworks. Currently, the Smithville ordinance states that no bottle rockets shall be discharged within the City limits except within an approved display. This is the only restriction placed on fireworks (aside from the approved times of discharge).

Staff researched ordinances in place in communities around the metro and compiled the enclosed summary fireworks ordinances. Staff also reached out to a number of communities identified as similar to Smithville to discuss their specific ordinance, how it is enforced, and the success of enforcement. Of the 19 municipalities reviewed, four do not allow any fireworks, four (including Smithville) restrict bottle rockets only, seven restrict bottle rockets and other types of fireworks and four have no restrictions on fireworks.

When staff discussed restrictions with officials (usually in the Police Department) in the comparable communities, most noted that the restrictions placed were not able to be fully enforced due to the nature of fireworks. Citations can only be issued when the officer directly sees a citizen lighting the firework which makes enforcement difficult. In several instances, it was noted that an increase in restriction placed a large burden on the police force that would take away from more emergent first responder needs during that time.

Over the past ten years, the Board has reviewed and altered the fireworks ordinance multiple times. These reviews have resulted in lengthening the time allowed to discharge fireworks and adding the restriction on the discharge of bottle rockets. As outlined above, the most significant concern with enforcing any fireworks restrictions is that an officer must observe the violation in order to be able to issue a citation. The only other option is for a witness to file a complaint and be willing to testify in court. both of which are very rare.

This year, officers responded to 19 fireworks complaints during the months of June and July. This compares to 18 complaints in 2020, 21 in 2019 and 31 in 2018. Typically, these complaints start a week before the holiday, and persist for 3 to 4 days afterwards.

Staff is seeking direction from the Board regarding desired restriction changes, if any.

Municipality	Code website	Ordinance code	Time and Dates allowed	Prohibitions	Fireworks definition
Smithville	City of Smithville, MO Table of Contents (ecode360.com)	205.2210 Discharge and Sale of Fireworks	9am - 11pm; July 3-5	No Bottle rockets	pyrotechnics or any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect by use of combustion, explosion, deflagration or detonation and includes blank cartridges, toy pistols, toy cannons, or toy guns in which explosives are used; firecrackers, roman candles, sparklers, skyrockets and other fireworks which contain any explosive or flammable compound or any other explosive substance, and classified as Class 1.4G explosives, except cap guns or simulated weapons used at athletic events or military funerals or public military functions.
Belton	Chapter 16 - FIRE PREVENTION AND PROTECTION Unified Development Code Belton, MO Municode Library	5609 Fireworks Sales and Use.	10am - 10pm (July 4 till midnight); June 28 - July 3	bottle rockets, skyrockets, roman candles	any composition or device for the purpose of producing a visible or audible effect for entertainment purposes by combustion, deflagration, or detonation which are classified as fireworks UN 0336, 1.4G by the United States Department of Transportation and the United States Consumer Product Safety Commission as set forth in CPSC 16 CFR parts 1500 and 1507.
Blue Springs	City of Blue Springs, MO Fireworks (ecode360.com)	Section 235.030 Fireworks Causing Explosion.	10am - 11pm; July 1-3, July 4 till midnight	bottle rockets, rockets of all types and size and any and all fireworks with an aerial trajectory having a cylinder or cartridge that is not intended to be completely consumed before landing.	any combustible or explosive compositions or any substance, or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation.
Excelsior Springs	City of Excelsior Springs, MO Table of Contents (ecode360.com)	230.760 Fireworks	10am - 10pm; June 28 - July 2, 5; till 11pm July 3-4	"bottle rockets" or "sky lanterns"	Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration or detonation that meets the definition of 1.4G fireworks or 1.3G fireworks as set forth herein.

Municipality	Code website	Ordinance code	Time and Dates allowed	Prohibitions	Fireworks definition
Gladstone	CHAPTER 130. - PARKS AND RECREATION Code of Ordinances Gladstone, MO Municode Library	5601.1.3 Fireworks	None Allowed unless approved by Parks Director on Public Land	None Allowed unless approved by Parks Director on Public Land	
Grain Valley	City of Grain Valley, MO Fireworks (ecode360.com)	Section 220.090 Discharge Lawful - When	9am - 11pm; July 2-4	No Restrictions	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.
Grandview	Chapter 17A - PARKS AND PARKWAYS Code of Ordinances Grandview, MO Municode Library	Section 17A-8 Discharging fireworks and firecrackers prohibited	None Allowed	None Allowed	
Independence	ARTICLE 20. - FIREWORKS Code of Ordinances Independence, MO Municode Library	Section 5.20.002- Possession, manufacturing, storage, sale, handling, and use	10am - 11pm; July 3-5, July 4 till midnight	Sparkler bombs, altered or combined fireworks, Sky lanterns	
Kansas City	Chapter 26 - FIRE PREVENTION AND PROTECTION Code of Ordinances Kansas City, MO Municode Library	Sec. 26-5608.16.1	None Allowed	None Allowed	any combustible or explosive composition, or any substances or combination of substances, or article prepared for the purposes of producing a visible or an audible effect by combustion or explosion, in which explosives are used, firecrackers, torpedoes, skyrockets, roman candles, sparklers or other fireworks of like construction, and any fireworks containing explosive or flammable compound, or any tablets or other devices regulated by the US Department of Transportation as a regulated firework.
Kearney	City of Kearney, MO Fireworks (ecode360.com)	Section 210.2210: Sale and Use of Fireworks.	June 25-July 4 12-9, 4th till 12	No bottle rockets	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, within 49 CFR Part 172.

Municipality	Code website	Ordinance code	Time and Dates allowed	Prohibitions	Fireworks definition
Lee's Summit	Chapter 13 - FIRE PREVENTION AND PROTECTION Code of Ordinances Lee's Summit, MO Municode Library	Section 5601.1.3 (6) Fireworks	10am - 11pm; July 3-5, July 4 till midnight. Must obtain free permit to discharge.	bottle rockets, Roman candles, illuminating torches, missiles with fins or rudders, single or multi-shot parachutes with night effects.	
Liberty	Chapter 22 - OFFENSES—MISCELLANEOUS Code of Ordinances Liberty, MO Municode Library	Section 22-20 - Same - Discharge prohibited; exception	4 - 10pm; July 3-4	Aerial fireworks are only allowed from 4-10 p.m. on plots of land three acres or bigger.	Pyrotechnics, cracker, firecracker, cannon cracker, cracker bon bon, lady-finger, torpedo, bomb, candle-bomb, squib, cap, sparkler, girandole, fizgig, whiz-bang, flower pot, rocket, sky-rocket, Roman candle, flare, flare-up, snake, serpent, pin wheel or pinwheel, Catherine wheel, noise-maker, pistols, canes, cannons, mines, aerial report bombs, salutes, spit devils, appliances using blank cartridges or caps containing chlorate of potash mixture or other explosive, or any other thing or device in which gunpowder, dynamite, other explosives or chemicals are used to produce a display of lights or varied noises or explosions, on the ground or in the air. "Non-aerial" fireworks are those that, when ignited, are not intended to reach six feet in height. "Aerial" fireworks are those that, when ignited, are intended to reach over ten (10) feet in height.
N Kansas City	Chapter 9.20 - OFFENSES AGAINST PUBLIC PEACE Code of Ordinances North Kansas City, MO Municode Library	Section 9.20.090 - Fireworks	None Allowed	None Allowed	
Parkville	City of Parkville, MO Offenses Against The Public Health and Safety (ecode360.com)	Section 215.420 Fireworks	10am - 10pm July 1-5; July 4 till midnight	Only fireworks allowed are ground-based devices like snakes, smoke bombs, etc.	

Municipality	Code website	Ordinance code	Time and Dates allowed	Prohibitions	Fireworks definition
Peculiar	City of Peculiar, MO Fireworks (ecode360.com)	Section 240.060	10am - 10pm July 1-3; July 4 till midnight	No restrictions. Prohibited on public streets, sidewalks, public parks or public grounds within city limits	
Platte City	Platte City, MO Fireworks (ecode360.com)	Section 220.070	10am - 10pm; June 20 - July 3; July 4 till midnight	No restrictions	
Raymore	CHAPTER 215: - FIREWORKS Code of Ordinances Raymore, MO Municode Library	Section 215.060	10am - 10pm; July 1-3, July 4 till midnight	No restrictions	Explosive devices designed primarily to produce visible or audible effects by combustion. This term 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.
Raytown	Chapter 20 - FIRE PREVENTION AND PROTECTION Code of Ordinances Raytown, MO Municode Library	Section 20-47; 20-48	9am - 11pm, July 4. December 31, 11:30p - 12:30a. Permit required	Bottle rockets, Roman candles and any form of stick missiles are illegal	means small fireworks devices containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion. This term includes fireworks devices defined as 1.4G which comply with the construction, chemical composition and labeling regulations of the United States Department of Transportation for Fireworks, UN0336, and the U.S. Consumer Product Safety Commission as set forth in 16 CFR parts 1500 and 1507, as amended from time to time.

Municipality	Code website	Ordinance code	Time and Dates allowed	Prohibitions	Fireworks definition
Riverside	City of Riverside, MO Offenses Concerning Public Safety (ecode360.com)	Section 210.590	10am - 10pm; June 26 - July 2, 5; till midnight July 3-4	No bottle rockets allowed, and fireworks can't be discharged within 600 feet of any church, hospital, medical facility, public school, library or day care facility or within 300 feet of where fireworks are stored.	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 within 49 CFR Part 172.

Summary

# of No Fireworks Allowed	# of just bottle rocket restriction	# of Bottle Rocket plus others	# of no restrictions
4	4	7	4