

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE repealing section 5628., Jackson County Code, 1984, relating to fireworks, and enacting, in lieu thereof, one new section relating to the same subject.

ORDINANCE NO. 5212, March 18, 2019

INTRODUCED BY Dan Tarwater, III, County Legislator

WHEREAS, a revision to provisions of chapter 56 of the County Code regarding the distribution, sale, and use of fireworks in unincorporated Jackson County is necessary to harmonize certain time requirements with the chapter; and,

WHEREAS, such revision is in the best interests of the health, welfare, and safety of the citizens of Jackson County; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause. Section 5628., Jackson County, 1984, is hereby repealed, and one new section enacted in lieu thereof, to be known as section 5628., to read as follows:

5628. Exception, Licensed Wholesale Distributor, Storage and Sale of Fireworks.

There will be a total of four (4) wholesale fireworks sales distributorship licenses issued from year-to-year for wholesale fireworks distributors for the purpose of storage and Sale of consumer fireworks.

5628.1. Must be Licensed by State of Missouri.

Any wholesale fireworks distributor must be licensed by the State of Missouri to engage in the wholesale distribution and sale of fireworks and in good standing with the State of Missouri and the County regarding taxes and insurance.

5628.2. Located within County.

Any such wholesale fireworks distributor must make application to the Clerk of the Legislature on a form provided by the Clerk. Such distributor must have a permanent business location in Jackson County and its proposed sites for temporary operations must be physically located within the unincorporated area of the County and owned or leased by the applicant for at least one (1) year prior to filing of the application.

5628.3. Application Fee.

The initial application fee will be \$1500.00 for any proposed wholesale storage and sales location and an additional seven hundred fifty dollars (\$ 750.00) for each proposed retail sales location, including the retail sales at the wholesale location, if located in the unincorporated area of the County, for a total possible annual license fee of four thousand five hundred dollars (\$4,500.00). The fee must accompany the application to the Clerk, with a copy to the Compliance Review Officer, on a form required by the Clerk. The Clerk and Compliance Review Officer shall review the application and notify the Legislature of the

proposed issuance or denial of a license. The Legislature shall have fifteen (15) days in which to reject any proposed issuance. If denied by the Clerk or rejected by the Legislature, the sum of three hundred dollars (\$300.00) shall be retained by the Clerk as an administrative fee and the balance of one thousand two hundred dollars (\$1,200.00) shall be refunded to the applicant. If such application is approved, then the total fee shall be retained by the County. If any proposed retail sales location is denied or rejected, a portion of the fee shall be refunded as described in section 5627.8.

5628.4. Zoning Requirements.

The grant or denial of a distributorship or retail license shall be at the sole discretion of the Clerk based upon the foregoing requirements; and all applications must contain the name of the applicant and a detailed description of the proposed location and the provisions to be taken for fire protection under the Jackson County Code and State statutes or regulations. Any site location is limited to property which is zoned for an appropriate commercial or industrial use and any required special use permits or zoning variances. The applicant must provide the Clerk with documentation of these facts.

5628.5. Scope of Wholesale Distributor and Distributor Retail Licenses.

The distributorship license shall authorize the operation of one site for year-round wholesale storage, sale and distribution of fireworks. If eligible for the issuance

of a distributorship license, the applicant may also apply for distributor retail licenses that authorizes on-site year-round distributor retail sales at the wholesale location as well as three distributor retail sales sites at permanent sites located within the unincorporated areas of the County for a total of four (4) year-round distributor retail sales locations for which a separate application or renewal fee must be paid.

5628.6. Distributorship License and Distributor Retail License Issuance.

Any qualified distributor will make application through the Clerk of the Legislature on or before [March 1] April 29 of each year. The Clerk shall notify the Legislature of the licenses proposed to be issued. The Legislature may reject the issuance of any initial license within 15 days of the notice from the Clerk. Any qualified distributor making application for a license shall accompany the application with current proof of insurance which shall remain on file with the Clerk of the Legislature. In the event distributorship licenses for wholesale and retail sales are available for succeeding years, the Clerk shall give preference to applicants for a license who were license holders in the year prior to the application. Applicants must complete and submit the application on or before [March 1] April 29 of each year. The Clerk shall notify the Legislature of the available permits proposed to be issued on or before [March 16] May 6. The Legislature shall have [fifteen (15)] seven (7) days in which to reject any proposed permit. The Clerk shall issue the permits [within thirty (30) days

following the fifteen day period] no later than May 20. The Legislature is the sole judge of the basis for rejection of a proposed wholesale or retail license.

5628.7. Wholesale and Retail License Renewable Annually.

Wholesale fireworks distributor and distributor retail licenses shall be renewable annually by payment of the annual fees specified in this chapter.

This ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:


Interim County Counselor

I hereby certify that the attached Ordinance, Ordinance No. 5212 introduced on March 18, 2019, was duly passed on April 1, 2019 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 9

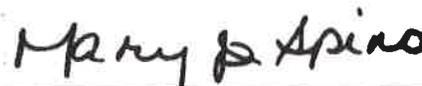
Nays 0

Abstaining 0

Absent 0

This Ordinance is hereby transmitted to the County Executive for his signature.

4-1-19
Date


Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 5212.

4/2/2019
Date


Frank White, Jr., County Executive