

# 2021 FIREWORKS STAND REGULATIONS

## St. Charles County, Missouri

In order to operate a temporary fireworks stand in unincorporated St. Charles County (June 25 to July 6), the business must first obtain:

- Approval from the County's Planning and Zoning Commission for a fireworks stand conditional use permit; and
- Approval from the County's Building and Code Enforcement Division; and
- Any necessary approvals from the fire protection district where the stand is to operate.

Applications should be submitted online through the "CitizenServe Citizen Access Portal" which can be accessed at <https://www.citizenserve.com/Portal/PortalController>.

### CONDITIONAL USE PERMIT SUBMITTAL REQUIREMENTS

1. Applications for conditional use permits for fireworks stands must be accompanied by the following:
  - a. A digital copy of a concept plan, drawn to scale, showing the location of all structures and trailers on the property, both permanent and temporary, parking areas, storage facilities, etc. The concept plan must indicate the dimensions of the property and the exact location of all structures, including distances from property lines and between structures. Indicate where the power pole is located. Indicate what type of temporary structure (wood frame or fabric tent). Fabric tents must be fire retardant treated or classified as noncombustible.
  - b. A digital copy of a letter from the owner of the property on which the stand is located authorizing the operation of a fireworks stand on the property, dated and notarized not earlier than 60 days prior to the date of the application.
  - c. Information on the size and location of on-premise signs and/or banners.
2. The following land use permit fees shall apply: Stands up to 1,000 sq. ft.: \$2,000.00 and stands 1,000 sq. ft. and above: \$4,000. (Section 405.515 OSCCMo) All fees, including those for building and electrical permits, may be paid together once permits are ready to issue.
3. Fees must be paid in full by cash, check, or credit card prior to the inspection/opening of the stand.

### STANDARD CONDITIONS OF APPROVAL

1. **Site Design and Setback Requirements.**
  - a. All setbacks of the zoning district in which a stand is located must be observed. All tractor-trailers, trucks, vans, or other temporary vehicles used for storage purposes shall be located a minimum of 50 feet from the tent or stand unless, due to the size of the parcel or lot, this is not possible. In that event the storage facilities must be located as far as possible from the tent or stand. Stands must be located a minimum of 100 feet from underground gasoline storage tank intake valves and vents, gasoline pumps, or any structures or areas that contain flammable materials.
  - b. Tents shall be located no less than 20 feet from lot lines, buildings or other tents. (NFPA 1124 Table 7.4.7.2)
  - c. No motor vehicles shall not be permitted within 10 feet of the tent. (NFPA 1124 Table 7.4.7.2)
  - d. The area within 30 feet of the tent shall be kept free of accumulated dry grass, dry brush, and combustible debris. (NFPA 1124 Section 7.4.6.1)
  - e. Tents shall be located no less than 50 feet from the following: retail propane-dispensing devices; above ground storage tanks of flammable or combustible liquid, flammable gas or flammable liquefied gas; compressed natural gas-dispensing devices; motor vehicle fuel dispensing devices. (NFPA 1124 Sections 7.3.11.1 and 7.3.11.2)
2. **Interior Tent Space Requirements.**
  - a. An approved fire and safety and evacuation plan shall be prepared in writing and maintained current. The plan shall be posted in a conspicuous location that is accessible to the public as well as to persons employed or otherwise working in the CFRS facility. (NFPA 1124 Sections 7.3.13 and 7.4.8.2)
  - b. The finished ground level enclosed by the structure and the surrounding finished ground level not less than 10 feet outside of the structure, shall be cleared of all flammable or combustible material and vegetation. (NFPA 102 Section 8.5.2.1)

- c. Not less than 50 percent of the available floor area within the retail sales area shall be open space that is unoccupied by retail displays and used only for aisles and cross-aisles. (NFPA 1124 Section 7.4.10.2)
- d. Where the continuous display of consumer fireworks are located on shelving, cases, counters, and similar display fixtures, a flame break shall be provided so that the maximum distance between flame breaks does not exceed 16 feet were measured along the length of the display. (NFPA 1124 Section 7.3.15.2.1)
  - (1) Flame breaks shall have a flame break rating not less than 5 minutes as determined in accordance with NFPA 1128. Combustible flame breaks shall have a flame spread not greater than 75 as determined in accordance with ASTM E 84. (NFPA 1124 Sections 7.3.15.2.2 and 7.3.15.2.1)
  - (2) The flame break shall extend as follows:
    - i. From the display surface to not less than 6 inches above the full height of the displayed merchandise or to the underside of the display surface directly above.
    - ii. For the full depth of the displayed merchandise. (NFPA 1124 7.3.15.2.3)
  - (3) Where packaged fireworks merchandise is displayed on the same level as individual unpackaged fireworks devices, the flame break required in 7.3.15.2.1 shall not be required where both of the following criteria are met:
    - i. The length of the display level contains individual unpackaged firework devices in interrupted by packaged fireworks merchandise, or open space, or any combination thereof, having a continuous length of not less than 8 feet.
    - ii. The distance between flame breaks does not exceed 32 feet.
- e. Where a merchandise display level contains packaged fireworks merchandise such merchandise shall be permitted to be displayed in a continuous length on the same level where the display does not exceed 32 feet without a flame break required in 7.3.15.2.1. (NFPA 1124 Section 7.3.15.2.5)
- f. An aisle having a minimum width of 48 inches shall be permitted to substitute for the flame break required in 7.3.15.2.1. (NFPA 1124 Section 7.3.15.2.6)
- g. All tent fabric shall meet the flame propagation performance criteria of Test Method 2 as required by NFPA 701. One of the following shall be provided as evidence that the fabric materials have the required flame propagation performance:
  - (1) Certificate of evidence of acceptance by an organization acceptable to the BCE Director.
  - (2) Report of test made by other inspection authorities or organizations acceptable to the BCE Director. (NFPA 102 Section 8.3.1 – 8.3.2)

### 3. **Access and Parking Requirements.**

- a. A minimum of five (5) off street parking spaces, one of which designated as accessible, must be provided. These parking areas shall be on a gravel surface at a minimum. There shall be no parking on vegetated areas that could present a fire hazard; i.e. dried grasses, weeds, etc.
- b. All new or temporary access drives shall be at least 100 feet from an intersection and have approval from the appropriate authority. Such approval shall be submitted in conjunction with the application for the Conditional Use Permit.
- c. No person will be allowed within any street right-of-way flagging or directing traffic. No interference with the flow of traffic near the site of the fireworks stand will be permitted. Fireworks stand employees may direct customers to parking spaces only within the boundaries of the stand's parking lot and driveways on private property.
- d. The CFRS facility shall be provided with no less than 3 exits. (NFPA 1124 Section 7.3.14.1.1)
- e. The minimum width of the exits shall not be less than 72 inches. The minimum width of the exit shall not be obstructed. (2015 International Fire Code Table 3103.12.3)
- f. Those aisles serving as a portion of the exit access shall not be less than 48 inches in width. (NFPA 1124 Section 7.3.14.4.1.1)
- g. The maximum travel distance from the most remote point to an exit along the natural and unobstructed path of egress travel shall not exceed 75 feet. (NFPA 1124 Section 7.3.14.3)
- h. Not less than one aisle shall be provided and arranged so that travel along the aisle leads directly to an exit. (1124 Section 7.3.14.4.1)

- i. Other required exits shall be located at or within 10 feet of the end of an aisle or a cross-aisle. (NFPA 1124 Section 7.3.14.4.2.2)
- j. Aisles shall terminate at an exit, another aisle or a cross-aisle. Dead-end aisles shall be prohibited. (NFPA 1124 Section 7.3.14.4.2.3 and 7.3.14.4.2.4)
- k. Where more than one aisle is provided not less than one cross-aisle shall have an unobstructed connection with every aisle other than cross-aisles. (NFPA 1124 Section 7.3.14.4.2.5)
- l. Cross-aisle connections shall be provided for each aisle at intervals not greater than 50 feet as measured along the aisle. (NFPA 1124 Section 7.3.14.4.2.6)
- m. Where cross-aisles are required, not less than one cross-aisle shall have at least one end terminate at or within 10 feet of an exit. (NFPA 1124 Section 7.3.14.4.2.7)
- n. Lighting shall be provided that illuminates the means of egress including the exit discharge whenever the facility is occupied. This shall include providing emergency lighting. (NFPA 1124 Section 7.3.14.7 and 7.3.14.8)
  - (1) Emergency lighting is not required for tents not open for business after dark. (NFPA 1124 Section 7.4.8.4)

4. **Fire Extinguisher Requirements.**

- a. No fewer than two portable fire extinguishers with a minimum 2A rating shall be provided, at least one of which shall be of the pressurized water-type. (NFPA 1124 Section 7.3.8.2)
- b. Where more than one portable fire extinguisher is required, at least one fire extinguisher shall be of the multipurpose dry chemical type if the facility is provided with electrical power. (NFPA 1124 Section 7.3.8.3)
- c. Portable fire extinguishers for temporary CFRS facilities shall be installed and located so the maximum distance of travel required to reach an extinguisher from any point does not exceed 35 feet. (NFPA 1124 Section 7.4.5.2)
- d. Fire extinguishers shall not be obstructed from view. (IFC Section 906.6)
- e. Fire extinguishers less than 40 pounds shall be mounted no more than 60 inches above the floor. Fire extinguishers greater than 40 pounds shall be mounted no more than 41 inches above the floor. (IFC Sections 906.9.1 and 906.0.2)
- f. *Refuse.* Each fireworks stand must be kept in a clean and orderly manner and have trash removal service with a hauler licensed by the St. Charles County Public Health Department. Also, each stand must have on site a metal refuse bin of not less than one and one-half cubic yards capacity that conforms to Federal Consumer Product Safety Commission, Part 1301 - Ban of unstable refuse bins. All solid waste generated by the fireworks stand must be placed in the metal refuse bin with the frequency of pickups being dictated by the size of said bin and the time it takes to reach capacity.
- g. *Restroom.* Each fireworks stand must provide a portable restroom if there are not restrooms available on the site.
- h. Wholesalers may only sell to someone with a sales tax identification number. Buyers with a sales tax identification number must purchase a minimum of \$100.00 of fireworks in bulk quantity.

5. **Signs, Banner, and Posted Notice Requirements.**

- a. There shall be not more than one (1) sign or banner located on or attached to the fireworks stand or tent. In addition, one (1) ground sign shall be permitted for each stand, located on the same property as the stand. In addition, one (1) sign or advertisement shall be permitted attached to or painted on a tractor-trailer or similar large vehicle parked at the stand location. The total area of these signs shall not exceed 400 square feet each. On-premise signs that contain traffic and parking directions and do not exceed 32 square feet in size each are also permitted. All off-premise signs advertising fireworks stands shall comply with all rules and regulations governing signs of the jurisdiction in which the signs are located.
- b. Flashing lights of any type are prohibited. All lighting shall be non-intermittent.
- c. All fireworks stands that are within 1½ miles of municipalities which prohibit the discharge of fireworks shall have signs posted at all points of ingress and egress to and from the fireworks stand stating, "It is illegal to discharge fireworks within the limits of the city(ies) of \_\_\_\_\_." This same statement shall also be stamped on or printed on a flyer placed in all shopping bags.

- d. Exits shall be marked by an approved exit sign in accordance with NFPA 101 Life Safety Code (NFPA 1124 Section 7.3.14.6.1)
- e. Exit signs shall be self-luminous or internally or externally illuminated. (NFPA 1124 Section 7.3.14.6.2)
- f. Smoking shall not be permitted within 50 feet of CFRS Tent or inside the CFRS Tent. A sign conspicuously posted at each entrance of the CFRS Tent with 2 inch high letters on contrasting background stating "FIREWORKS – NO SMOKING" shall be provided. (NFPA1124 Section 7.3.10.1 and 7.3.10.2)
- g. At least one sign that reads "NO FIREWORKS DISCHARGED WITHIN 300 FEET" in letters at least 4 inches high on a contrasting background shall be conspicuously posted on the exterior of **each side** of the CFRS facility. (NFPA 1124 Section 7.4.6.3)
- h. Signs shall be posted at all points of ingress and egress to and from the fireworks stand stating no sales will be made to anyone under the age of 16.

**6. Storage Requirements.**

- a. Trailers, semitrailers, and metal shipping containers used for the storage of consumer fireworks shall comply with the following:
  - i. Where an interior aisle is provided, the aisle shall be not less than 28 inches in width. (NFPA 1124 Section 6.14.3)
  - ii. At least one pressurized water type fire extinguisher having a minimum rating 2A shall be located within 75 feet of the closet point on the exterior of any such trailer, semitrailer, and metal shipping container. (NFPA 1124 Section 6.14.4)
  - iii. Trailers, semitrailers, and metal shipping containers shall be separated from adjacent permanent buildings and structures by no less than 10 feet. (NFPA 1124 Section 6.14.7)
- b. Mobile storage units used for the temporary storage of consumer fireworks shall meet the criteria of 5.3.4 for a Type 4 outdoor magazine and shall be located not less than 10 feet from CFRS facilities and stores. (NFPA 1124 Section 7.3.12)

**SPECIAL CONDITIONS FOR APPROVAL**

- 1. The applicant, owner, and/or operator of the firework stand authorized under the CUP (Owner/Operator) is responsible for ensuring that their staff and customers are abiding by the Public Health Orders of the County and State that are currently in place, and as they may be in the future amended, revised, or supplemented for the duration of the CUP. Any violations of those orders are unlawful and could result in prosecution through the County Municipal Court. The most up-to-date and latest County policies are available on the St. Charles County website at [sccmo.org/COVID](http://sccmo.org/COVID). The County website ([www.sccmo.org/](http://www.sccmo.org/)) has detailed information, including recommended strategies on how to protect the Owner/Operator staff and customers from the spread of the disease and further guidance on what burdens are placed upon the Owner/Operator during the COVID-19 pandemic.

**BUILDING PERMIT APPLICATION SUBMITTAL REQUIREMENTS**

- 1. Applications for building permits for fireworks stands must be accompanied by the following:
  - a. A plot plan, drawn to scale, showing all structures and trailers on the property, both permanent and temporary, vehicle access and parking areas, storage facilities, dumpster locations, etc. The plot plan must indicate the dimensions of the property and the exact location of all structures, including distances from property lines and between structures. Indicate where the power pole is located. Indicate what type of temporary structure (wood frame or fabric tent. Fabric tents must be fire retardant treated or classified noncombustible.)
  - b. A floor plan, drawn to scale, of the tent or temporary structure showing the location of fire extinguishers and the location and dimensions of all shelving or fixture.
  - c. If applicable, a licensed electrical contractor.
- 2. The following fees have been established:
  - a. Temporary Structure building permit - \$60.00
  - b. Commercial electrical permit - \$80.00

3. The following are some of the more common building and electrical code regulations regarding fireworks stands that must be complied with:
  - a. All overhead electrical wires less than 12 gauge must be supported by a steel cable and fastened to the cable every 54". Wires spanning over 40 feet must have support cables.
  - b. The overhead wire shall be a minimum of 15 feet from ground level.
  - c. All electrical panels, receptacle boxes or any other type of exterior devices must be weatherproof and in acceptable condition to meet Electrical Codes.
  - d. The only approved extension cords must have "built-in" fuse breakers.
  - e. All electrical work must comply with the 2015 National Electrical Code, and it is the applicant's responsibility to obtain all appropriate electric permits.
  - f. Fabric tents must be fire retardant treated or classified noncombustible.
4. As in previous years, St. Charles County Building and Code Enforcement Division personnel will inspect permitted firework stands and tents for compliance to the above regulations. **This inspection must be made prior to opening the stand. It is the responsibility of the stand owner to call the County Building and Code Enforcement Division at (636) 949-7345 and notify us that the stand is up and ready for inspection.** It is also the responsibility of the stand owner to contact the fire district for any permits and/or inspections required from the fire district.

#### **SECTION 210.105 OSCCMo: SALE OF FIREWORKS - RESTRICTIONS ON COMMERCIAL OPERATIONS**

1. *Days of Operation.* No sales of fireworks shall be permitted except from June twenty-fifth (25th) through July sixth (6th) of each year.
2. *Hours of Operation.* No sales of fireworks shall be permitted prior to 8:00 A.M. or after 10:00 P.M. on any day on which such sales are authorized, except that on July first (1st), second (2nd) and fourth (4th), sales may continue until 11:00 P.M. and on July third (3rd), sales may continue until Midnight.
3. *Employment of Persons Under the Age Of Sixteen (16).* Persons under the age of sixteen (16) shall not be employed at any location selling fireworks unless supervised at all times by at least one (1) person over the age of twenty-one (21).
4. *Required Sign.* A sign bearing the message "Discharge of Consumer Fireworks is Prohibited at All Times within Unincorporated St. Charles County Except Between the Hours of 10:00 A.M. and 11:00 P.M. July 2nd through July 5th and to Between the Hours of 11:30 P.M. on December 31st and 12:30 A.M. on the immediately following January 1st" in letters at least three (3) inches tall shall be conspicuously displayed at each sales location. Such sign shall not count towards the limits of allowable signage provided for by this Section or by the Unified Development Ordinance of St. Charles County, Chapters 405—412, OSCCMo. Additionally, a seller of fireworks shall distribute to each purchaser of fireworks a flyer of at least twenty-four (24) square inches containing the statement: "Discharge of Consumer Fireworks within St. Charles County is Prohibited by Ordinance Except Between the Hours of 10:00 A.M. and 11:00 P.M. July 2nd through July 5th and to Between the Hours of 11:30 P.M. on December 31st and 12:30 A.M. on the immediately following January 1st. Violators may be punished by a fine up to five hundred dollars (\$500.00)."
5. *Prohibition of Sales.* It shall be unlawful for any person to willfully sell any firecrackers, fireworks, torpedoes, bombs, pin wheels, fire balloons, Roman candles, toy cannons, toy pistols, missile or aerial fireworks containing a stick or fin, or other fireworks containing a stick or fin, or other fireworks of a like kind within unincorporated St. Charles County.