



**AGENDA
CITY OF BELTON
PLANNING COMMISSION
PUBLIC HEARING AND MEETING
MONDAY, DECEMBER 6, 2010 - 7:00 P.M.
CITY HALL ANNEX, 520 MAIN STREET**

- I. CALL MEETING TO ORDER

- II. ROLL CALL

- III. APPROVAL OF THE MINUTES OF THE NOVEMBER 15, 2010 PLANNING COMMISSION MEETING

- IV. RECONSIDERATION
 - A. Consideration of an amendment to the conditions of approval for SUP10-15 for a vehicle sales lot at 300 N. Scott

- V. PUBLIC HEARINGS
 - A. SUP10-19: Consideration of a Special Use Permit application for a vehicle sales lot at 906 N. Scott.

 - B. SUP10-21: Consideration of a Special Use Permit application for a vehicle sales lot at 310 N. Scott.

 - C. Consideration of an Ordinance to Amend City Fireworks Regulations.

- VI. DISCUSSION
 - A. Consideration of an Amendment to the City Future Land Use Map.

- VII. DIRECTOR'S REPORT

- VIII. NEXT MEETING DATE: December 20, 2010

- XI. ADJOURNMENT

MEETING MINUTES

NOVEMBER 15, 2010

Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
November 15, 2010

CALL TO ORDER

Chairman Holly Girgin called the meeting to order at 7:00 p.m.

ATTENDANCE

Commission: Chairman Girgin, Mayor Pro Tem Gary Lathrop, Councilman Bobby Davidson, Commissioners Sally Davila, Tim McDonough, Jeff Fletcher, Scott VonBehren, and Larry Thompson.

Staff: Jay Leipzig, Community Development Director; Robert Cooper, City Planner; and Ann Keeton, Community Development Secretary.

Absent: Commissioner Mike Van Eaton

MINUTES

Commissioner Thompson moved to approve the minutes of the November 1, 2010, Planning Commission meeting. Commissioner VonBehren seconded the motion. All members present voted in favor and the motion carried.

CASE SUP10-15 – Used Vehicle Sales Lot at 300 N. Scott

Mr. Leipzig reported the applicant, City staff, and the Site Plan Review Committee members met on site at 300 N. Scott to assess the available space and develop a parking plan for the vehicle sales lot.

Mr. Cooper provided details about the on site committee meeting and stated the committee discussed landscaping, vehicle placement, bollard location, painting of parking stalls, and property maintenance. The applicant and committee members agreed to the recommended conditions of approval including the elimination of one parking space within the sight triangle (at the corner of Carnegie and N. Scott) and replacing that space with a landscape buffer not to exceed 24-inches in height.

Mr. Cooper went over the proposed parking plan and he reported that eight vehicles will be allowed in the north parking area including five display and three customer parking stalls. He pointed out the location of three bollards and wheel stop blocks around a fire hydrant.

Regarding display vehicles in front of the building, Mr. Cooper reported that four display vehicles will be allowed to park in front providing a 4-ft minimum separation from the building is maintained.

Other recommended conditions of approval included removal of weeds behind the building, compliance with section 12-272 of the Belton Municipal Code, and review of the Special Use Permit (SUP) in one year to ensure compliance. Mr. Leipzig reported the vegetation behind the building has been trimmed.

Paving a grassy area to park display cars was discussed at a previous meeting and it has now been determined that the applicant will not need to park on the grass. Mr. Cooper stated the applicant is aware that all display cars must be parked on a paved surface. There was a brief discussion about the City Council designating a "No Parking" area on Carnegie at an upcoming meeting.

Commissioner McDonough initiated a discussion about the designated customer parking space(s) on the south side of the building. He recalled committee members did not think there is sufficient space for two customer parking stalls on the south parking lot, as shown on the proposed site plan. After discussion, it was determined there is enough space for one customer parking stall on the south side of the building.

Mr. Zabet said he understands and agrees with all the proposed conditions of approval and also Mr. Zakeri the property owner accepts the conditions. It was clarified that there will be three display cars parked on the southeast corner of the lot (after the elimination of one parking stall in the sight triangle) and not four cars as shown in the proposed site plan. It was also stated there will be four display cars allowed in front of the building. The fire department will provide the specifications for the installation of the bollards around the hydrant. **Councilman Davidson moved to recommend approval of the application for a special use permit to allow a vehicle sales lot at 300 N. Scott with the following conditions:**

- 1) Eliminate one (1) parking space within the sight triangle;**
- 2) Allow eight (8) vehicles within the north parking area, to be used as a combined customer/display parking area;**
- 3) Only allow four (4) vehicles to park in front of the building, always maintaining at least a 4-ft. separation from the building;**
- 4) Allow nine (9) vehicles to park within the south parking area, to be used as a combined customer/display parking area;**
- 5) Provide a landscaped buffer using layered designed landscaping blocks, not to exceed a height of 24-inches, consisting of low-rise vegetation, i.e. bushes and flowers, located at the corner of Carnegie Street and N. Scott Avenue;**
- 6) Install three (3) bollards around the existing fire hydrant in accordance with Fire Department specifications. Each bollard shall be setback no less than 3-ft. from the hydrant;**
- 7) Wheel stop-blocks shall be provided for vehicles parked near the fire hydrant;**
- 8) Allow a total of twenty-one (21) vehicles on site at any given time;**
- 9) No display vehicle shall obstruct visibility, or parked in a manner which would create a hazardous condition;**
- 10) No material, supplies, or merchandise shall be stored outdoors;**
- 11) Restriping of all parking stalls to a dimension of 9-ft. x 20-ft;**
- 12) Removal of all noxious vegetation (weeds) and grass trimmed, mainly behind the building near the railroad tracks;**
- 13) No Certificate of Occupancy is issued for Mr. Zabet until the site has had a final inspection for compliance with Section 12-272, Belton Municipal Code;**
- 14) Special Use Permit 10-15 is reviewed by the Planning Commission in one (1) year to ensure compliance.**

The motion was seconded by Commissioner VonBehren. When a vote was taken, the following was recorded: Ayes: 8 – Chairman Girgin, Mayor Pro Tem Lathrop, Councilman Davidson,

Commissioners Davila, McDonough, Fletcher, VonBehren and Thompson. Noes: none. Absent: 1 – Commissioner Van Eaton. The motion carried.

DIRECTOR'S REPORT

The December 6, 2010, Commission meeting agenda items will include SUPs for vehicle sales lots at 906 N. Scott and 310 N. Scott.

Approval from the TIF Commission was received at a meeting on November 10, 2010, for the proposed Price Chopper. The preliminary and final plats, along with the preliminary and final development plans and the TIF for the proposed Price Chopper will be discussed at a City Council meeting on December 14, 2010.

Commissioner VonBehren suggested the SUP applicants submit a site parking plan prior to the meeting for review. Mr. Cooper reported one of the upcoming SUP applications is for an existing car lot and the applicant is applying to use a portion of the existing lot for car sales. The other used car sales SUP application to be heard in December is next door to the vehicle sales lot that was approved tonight. When questioned about the sale of carports and sheds at the 906 N. Scott site, Mr. Leipzig stated that staff will look at the occupation license.

ADJOURNMENT

Commissioner VonBehren moved to adjourn. Councilman Davidson seconded the motion. All members present voted in favor, and the meeting adjourned at 7:27 p.m.

Ann Keeton
Community Development Secretary

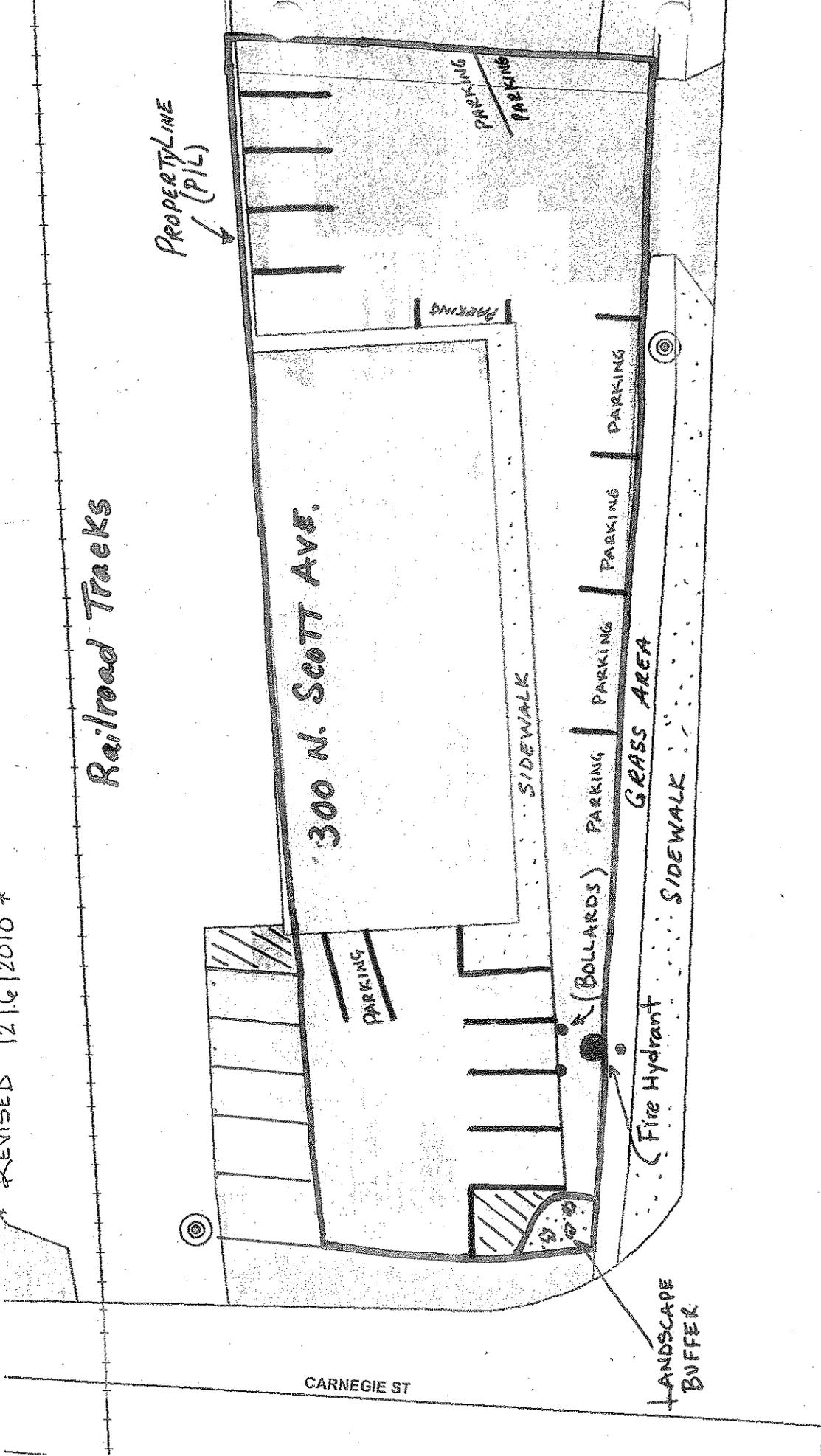
SUP10-15

VEHICLE SALE LOT

300 N. SCOTT

CASE #SUP10-15 / USED CAR LOT - 300 N. SCOTT AVENUE
APPROVED SITE PLAN

* REVISED 12/6/2010 *



Railroad Tracks

PROPERTY LINE
(P/L)

300 N. SCOTT AVE.

CARNEGIE ST

SCOTT AVE

LANDSCAPE
BUFFER

SIDEWALK

GRASS AREA

(BOLLARDS)

(Fire Hydrant)

PARKING

PARKING

PARKING

PARKING

PARKING

PARKING

PARKING
PARKING

SUP10-19

VEHICLE SALES LOT

906 N. SCOTT



**PLANNING COMMISSION REGULAR MEETING
CITY HALL ANNEX, CITY COUNCIL ROOM
520 MAIN STREET
MONDAY, DECEMBER 6, 2010 – 7:00 P.M.**

ASSIGNED STAFF: Robert G. Cooper, City Planner

CASE #SUP10-19

Request: Special Use Permit to allow a used car dealership (M&D Auto) to operate in a C-2 (General Commercial) District.

Location: West side of N. Scott Avenue, just north of Markey Road. The street address is 906 N. Scott Avenue.

Legal Description: Unplatted

Owner / Applicant: John Hubbard (deed holder) / Don Bitterman (applicant)

Size of Site: 230-ft. x 180-ft. (41,400-sq. ft.) / 0.95-acre

Sales Lot Surface Area: 180-ft. x 130-ft. (23,400-sq. ft.) / 0.54

Existing Zoning / Land Use: C-2 / Used Car Sales Lot / 'Jim's Auto Sales'

Proposed Use: Used Car Lot

Surrounding Zoning / Land Use:

North: C-2 / General Commercial
East: I-1 / Light Industrial
South: C-2 / General Commercial
West: C-2 / General Commercial

Comprehensive Plan: Commercial

Nature of Current Request

The applicant, Don Bitterman, has contacted the City to gather information on what requirements are needed to open a used car lot. Pursuant to Appendix A of the Zoning Ordinance, a special use permit is required for all 'new' used car lots located within a C-2 (General Commercial) zoning district. Mr. Bitterman, met with planning department staff on October 25, 2010 and discussed his business plan which includes locating to 906 N. Scott Avenue. Mr. Bitterman wishes to occupy the site of an existing used car sales lot. The current owner of 'Jim's Auto Sales', Jim Siewert, has indicated to staff that he is willing to allow Mr. Bitterman use his lot for auto sales.

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HISTORY

The building located at 906 N. Scott Avenue was originally built in 1960 with a gross floor area (gfa) of 1,296-sq. ft. This building and location was originally used as a gas station with service bays.

November 6, 2006, a business license was applied for and approved for 'Jim's Auto Sales', to allow a used car sales business to operate at this location.

A Special Use Permit was not required at the time of submittal, as it predated the current ordinance requirement.

STAFF REPORT

Welfare and Convenience of the Public

It appears, by permitting a used car lot in the proposed location, it would contribute greatly to an ongoing proliferation of used car lots along the North Scott corridor. It also appears there could be a negative affect on the welfare and convenience of the general public.

Injury to Surrounding Property

It appears the proposed use will not have an adverse affect on the immediate surrounding or abutting properties due in part to the similarity in intensity and type of use.

Domination of the Neighborhood

Currently, the site on North Scott Avenue is a small commercial building with one tenant user.

It appears, the newly proposed used car business will not dramatically add to the predominance of that particular use within the neighborhood, due to the fact it will join an existing used car sales lot.

Code Citation

In accordance with Article IV, Section 7(15) of the Zoning Ordinance, "one (1) parking space for each 3,000-sq. ft. of open sales lot area devoted to the sale, display and rental of such vehicles, plus one (1) parking space for each employee".

Off-Street Parking / Access

The Zoning Ordinance requires, "one (1) parking space for each 3,000-sq. ft. of open sales area". The minimum parking stall dimensions as required by City code is 9'-0" x 20'-0".

There is open parking on all sides of the building. The parking area is large with a driving aisle width of approximately 25-ft. to be used for vehicle maneuvering; i.e. backing up. The 25-ft. driving aisle width is sufficient to allow drivers adequate room to negotiate getting in and out of the parking area.

This site has a dual-point access. From North Scott Avenue, which is the primary source of ingress/egress to the site, with a driveway approach of 24-ft. There is also a secondary access to the south from Markey Road.

The applicant has indicated he will use the northeast corner of the parking lot to display his sales vehicles. He estimates the number of display vehicles to be between three and six at any given time. The surface of the proposed and existing parking area is in good condition.

NOTE: It was explained to Mr. Bitterman, that an occupational license can not be approved until the Planning Commission approved the Special Use Permit and that no business activity can take place on site until final approval by the City Council.

Staff Recommendation

Staff recommends approval of a Special Use Permit to allow a used car lot to be located at 906 N. Scott Avenue with the following condition(s):

1. No Certificate of Occupancy is issued for 'M&D Auto' until the site has had a final inspection for compliance with Section 12-272, Belton Municipal Code;
2. Special Use Permit 10-19 is reviewed by the Planning Commission in one (1) year to ensure compliance.
3. The sales display area shall be located on the northeast corner of the building only and consist of no more than six (6) vehicles as noted in the attached site plan as Exhibit 'A'.
4. No display vehicle shall obstruct visibility, or parked in a manner which would create a hazardous condition.
5. No material, supplies, or merchandise shall be stored outdoors.

Planning Commission Alternatives

The Planning Commission has the following options available in the consideration of this application:

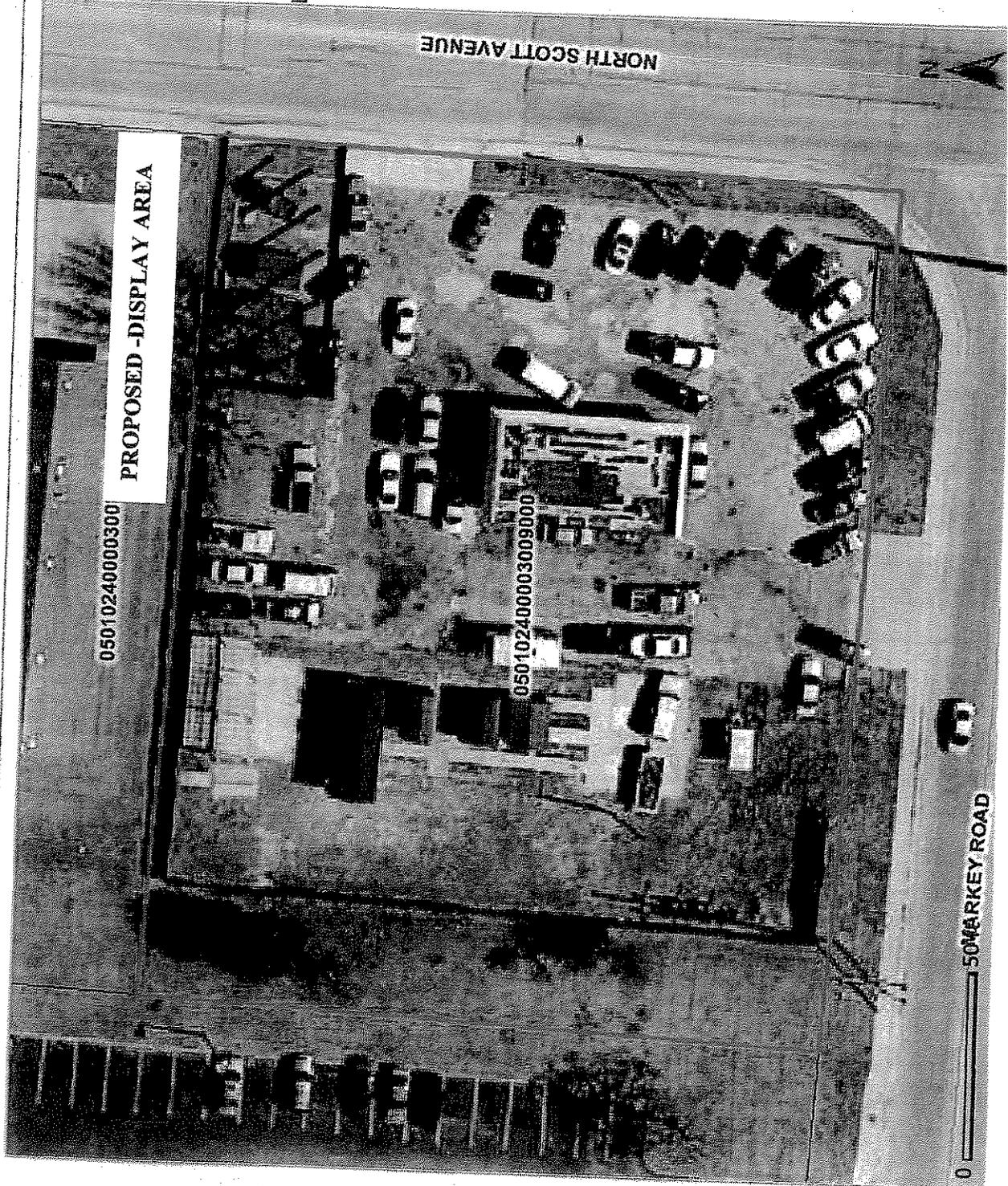
1. Approve the application as submitted upon finding that the requirements of Section 2, Special Use Permits, of the Belton Code have been satisfied.
2. Approve the application subject to specified conditions.
3. Table the application if additional information is needed, such as time of use or other related factors.
4. Deny the application if the required findings cannot be made or if the proposed use is found to be incompatible with the neighborhood.

Attachments:

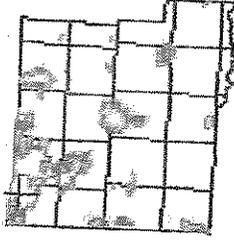
- 1) Aerial Photograph



Date Created: 11/30/2010
Map Scale: 1 in = 50 ft



Overview



Legend

- Roads
- Parcels
- PLS Sections
- PLS Townships
- Corporate Limits

05010240000300

05010240003009000

PROPOSED - DISPLAY AREA

NORTH SCOTT AVENUE

50 MARKEY ROAD

SUP10-21

VEHICLE SALES LOT

310 N. SCOTT



**PLANNING COMMISSION REGULAR MEETING
CITY HALL ANNEX, CITY COUNCIL ROOM
520 MAIN STREET
MONDAY, DECEMBER 6, 2010 – 7:00 P.M.**

ASSIGNED STAFF: Robert G. Cooper, City Planner

CASE #SUP10-21

Request: Special Use Permit to allow a used car dealership to operate in a C-2 (General Commercial) District.

Location: The west side of N. Scott Avenue, just north of Carnegie Street. The street address is 310 N. Scott Avenue.

Legal Description: Unplatted

Owner / Applicant: Patrick Miller / Todd Earnshaw (Mid-West Cars & Sales, Inc.)

Size of Site: 125-ft. x 63-ft. (7,812-sq. ft.) / 0.18-acre

Sales Lot Surface Area: 62-ft. x 52-ft. (3,224-sq. ft.) / North side
50-ft. x 20-ft. (1,000-sq. ft.) / East side

Existing Zoning / Land Use: C-2 / Used Car Sales Lot

Proposed Use: Used Car Sales Lot

Surrounding Zoning / Land Use:

North: C-2 / General Commercial (Shirley's Cleaners)
East: C-2 / General Commercial (Vacant building)
South: C-2 / General Commercial (H&S Auto Sales)
West: R-2 / Duplex Housing & Railroad right-of-way

Comprehensive Plan: Commercial

Nature of Current Request

The applicant, Todd Earnshaw, has contacted the City to gather information on what requirements are needed to open a used car lot. Pursuant to Appendix A of the Zoning Ordinance, a special use permit is required for all 'new' used car lots located within a C-2 (General Commercial) zoning district. Mr. Earnshaw wishes to occupy the former site of 'Van City', located at 310 N. Scott Avenue.

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Figure 1

HISTORY

The building located at 310 N. Scott Avenue was originally built in 1968 with a gross floor area (gfa) of 2,110-sq. ft. Since then, this building has subsequently been used periodically as a commercial/retail site. In 1997, during the North Scott street improvement and widening project, approximately 10-ft. of property was taken from the site to accommodate the widening project, the results of which was a reduction in available front yard space.

During February 2009, 'Van City' applied for a business license to allow a used car sales shop to operate at this location. 'Van City' subsequently left the site during October 2009 and relocated to 814 N. Scott Avenue.

No special use permit was needed at the time of submittal as it predates the current ordinance requirement. (Ord. 5/2009)

STAFF REPORT

Welfare and Convenience of the Public

It appears, by permitting a used car lot in the proposed location, it would contribute greatly to an ongoing proliferation of used car lots along the North Scott corridor. It also appears there could be a negative affect on the welfare and convenience of the general public.

Injury to Surrounding Property

In the past, there have been encroachment and trespassing complaints from the abutting property owner, concerning the cars associated with the used car lot. Apparently, these vehicles have been parking in front of and within the parking lot of Shirley's Cleaners, which is located just north at 316 N. Scott Avenue. The owner of Shirley's Cleaners, Mr. Hyunsoon Park, has indicated to city

staff that on a number of occasions, he had to ask the customers of the used car lot to remove their cars from his property because they were occupying valuable parking space intended for his customers. Shirley's Cleaners lot is substandard in that the available off-street parking for a commercial use is severely limited. Mr. Park has submitted an email stating his concerns and frustrations about the trespassing issues to staff and the Commission for consideration. (*Exhibit 'A'*)

Domination of the Neighborhood

310 North Scott Avenue is a relatively small commercial lot. It lacks adequate off-street customer parking for the proposed used car dealership. The overcrowding issue with previous car dealerships at this location has generated complaints from abutting business owners. The Belton Police department has been called to this location on several occasions dealing with a rear-end crash and trespassing, mainly due to customer cars from the dealership parking on or cutting-across the property at 316 N. Scott Avenue.

It appears, the proposed use as a used car sales lot will add to the predominance of that particular use within the neighborhood.

Code Citation

In accordance with Article IV, Section 7(15) of the Zoning Ordinance, "one (1) parking space for each 3,000-sq. ft. of open sales lot area devoted to the sale, display and rental of such vehicles, plus one (1) parking space for each employee".

Off-Street Parking / Access

The Zoning Ordinance requires, "one (1) parking space for each 3,000-sq. ft. of open sales area". The minimum parking stall dimensions as required by City code is 9'-0" x 20'-0".

There is open parking on two sides of the building. The north parking area abuts Shirley's Cleaners. The other parking area is on the east side of the existing building facing N. Scott Avenue. According to the property survey, the north property line of 310 N. Scott is approximately 6-feet from the south wall of Shirley's Cleaners. Currently, there is a yellow painted strip along the north property line, which is significant to note, because in the past, cars have been parked up against the building wall of Shirley's Cleaners, raising the issues of damages and trespassing.

There is a single-point access from North Scott Avenue, which is the primary source of ingress/egress to the site, with a driveway approach of 24-feet.

Staff would like the applicant to place wheel stop-blocks along the north property line as indicated to preclude the furtherance of encroachment.

The surface of the proposed parking area is in need of repair. The concrete surface is currently cracked and separated with grass and weeds growing throughout. City ordinance requires all driving surface areas to be properly maintained and free of all weeds and grass.

The applicant's proposal indicates fourteen (14) display vehicles outside and six (6) specialty vehicles housed, utilizing the three garage bay areas. However, according to the physical limitations of the lot and the parking stalls configuration, staff has estimated a total of no more than eleven (11) outside display vehicles spaces and two (2) customer parking spaces.

NOTE: It was explained to Mr. Earnshaw, that an Occupational License can not be approved until the Planning Commission approved the Special Use Permit and that no business activity can take place on site until final approval by the City Council.

Staff Recommendation

Should the Planning Commission wish to approve Special Use Permit10-21, to allow a used car sales lot to be located at 310 N. Scott Avenue, the following condition(s) shall apply:

1. No Certificate of Occupancy is issued for Mid-West Cars & Sales, Inc., until the site has had a final inspection for compliance with **Section 12-272, Belton Municipal Code**;
2. Special Use Permit10-21 is reviewed by the Planning Commission in one (1) year to ensure compliance and address any complaints.
3. The parking area shall be located on the north and east side of the building only and consist of no more than eleven (11) display vehicles and two (2) customer parking spaces as depicted in Exhibit 'B'.
4. No display vehicle shall obstruct visibility, or parked in a manner which would create a hazardous condition or encroach upon abutting properties.
5. No material, supplies, or merchandise shall be stored outdoors.
6. Wheel stop-blocks shall be placed along the north property line as indicated on Exhibit 'B'.

Planning Commission Alternatives

The Planning Commission has the following options available in the consideration of this application:

1. Approve the application as submitted upon finding that the requirements of Section 2, Special Use Permits, of the Belton Code have been satisfied.
2. Approve the application subject to specified conditions.
3. Table the application if additional information is needed, such as time of use or other related factors.
4. Deny the application if the required findings cannot be made or if the proposed use is found to be incompatible with the neighborhood.

Attachments:

- 1) Mr. Hyunsoon Park's letter (Exhibit 'A')
- 2) Site Plan (Exhibit 'B')
- 3) Aerial Photograph (Exhibit 'C')
- 4) Photograph (Exhibit 'D')

FILE COPY
Robert Cooper

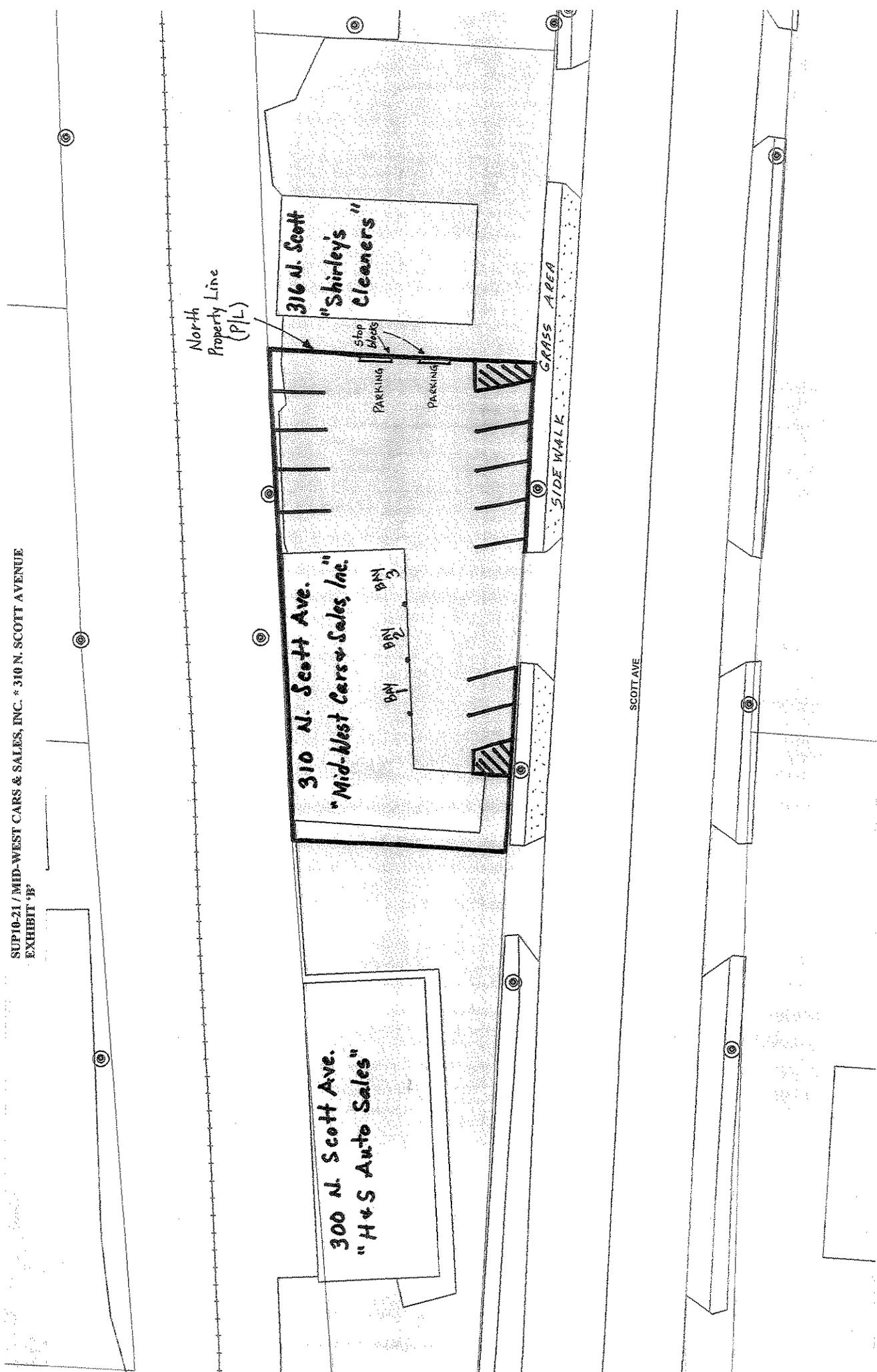
From: hyun PARK [hsp236@yahoo.com]

Sent: Sunday, November 28, 2010 9:31 PM

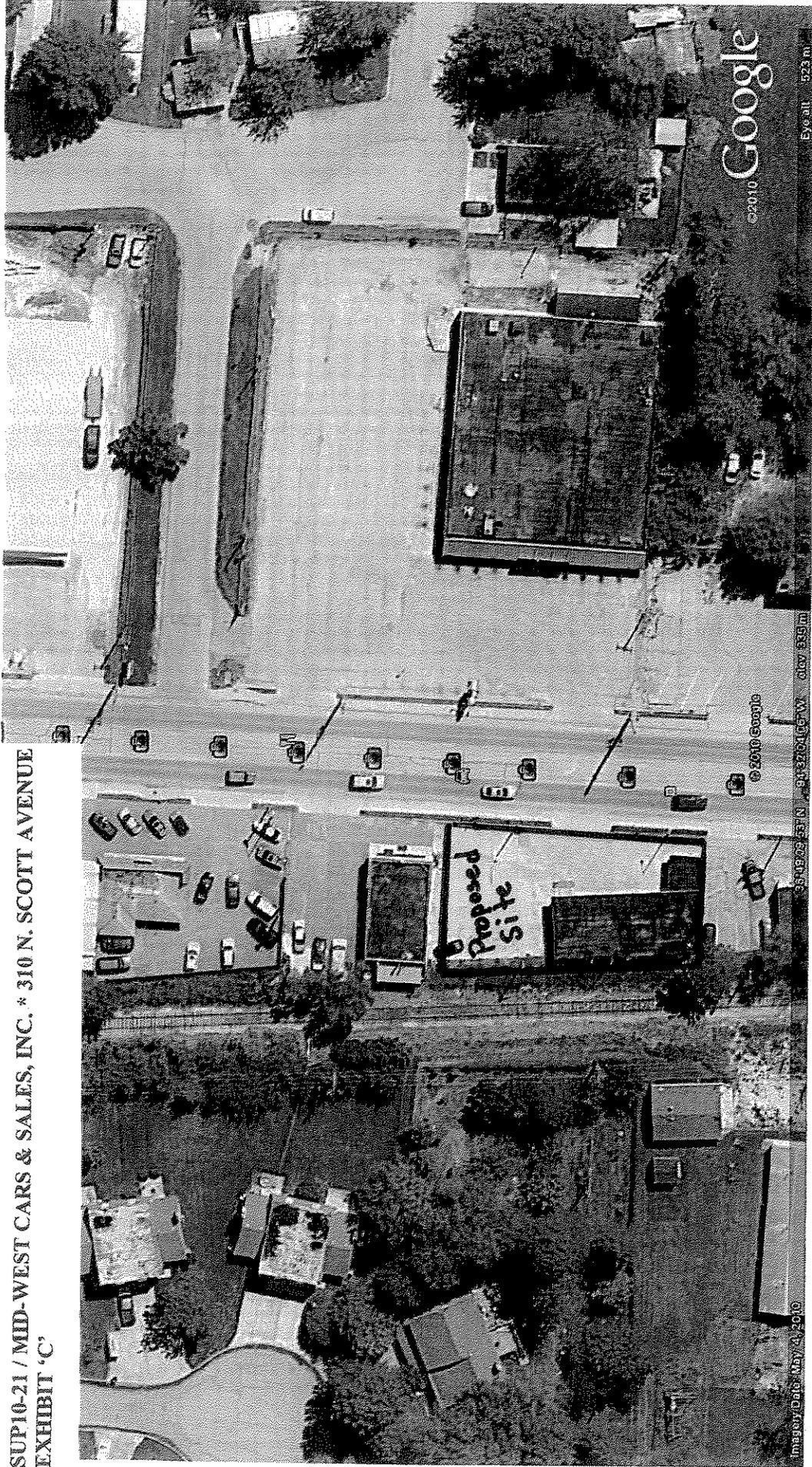
To: Robert Cooper

Hello. This is the owner from Shirley's Dry Cleaners on 316 N. Scott in Belton. I received the letter informing me about the meeting that will be held on December 6th about the building on 310 N. Scott. I can not attend the meeting but would like to give you my input on this through this email. I respect the right of whoever comes in to do whatever he wishes on his on his property. Likewise I would like respect for the space that I own. For instance, when there were used car sales lot at that building before, they never had enough parking space for the interested buyers, and so the customers chose to park in front of my store. I do not think that this is right, and this is my one idea of concern. To my knowledge, I always thought that businesses had to have enough parking space to get their permit, and on both sides of my store I have had problems with their customers parking on my property. Many times I ask them to park somewhere else, and the customers get angry with me. I do not believe I should be facing angry customers who want to look at the used cars but park in my property because the sales lot does not offer enough parking space. Furthermore, I have had two incidents where I have called the police after incidents involving the parking of used car customers, and they have told me to talk to the city about it. If the situation with both used car dealerships to either side of my store do not become solved, I will always be stressed about it, and I hope that the city takes measure to make sure that the two dealerships go and create enough parking space for their customers so that they have somewhere to park. I have already put up a couple of signs saying that only dry cleaner customers can park here, but it has proven ineffective. I believe our store is getting a bad image when we run into conflicts with their customers about the parking, and I don't think we should have to deal with this.

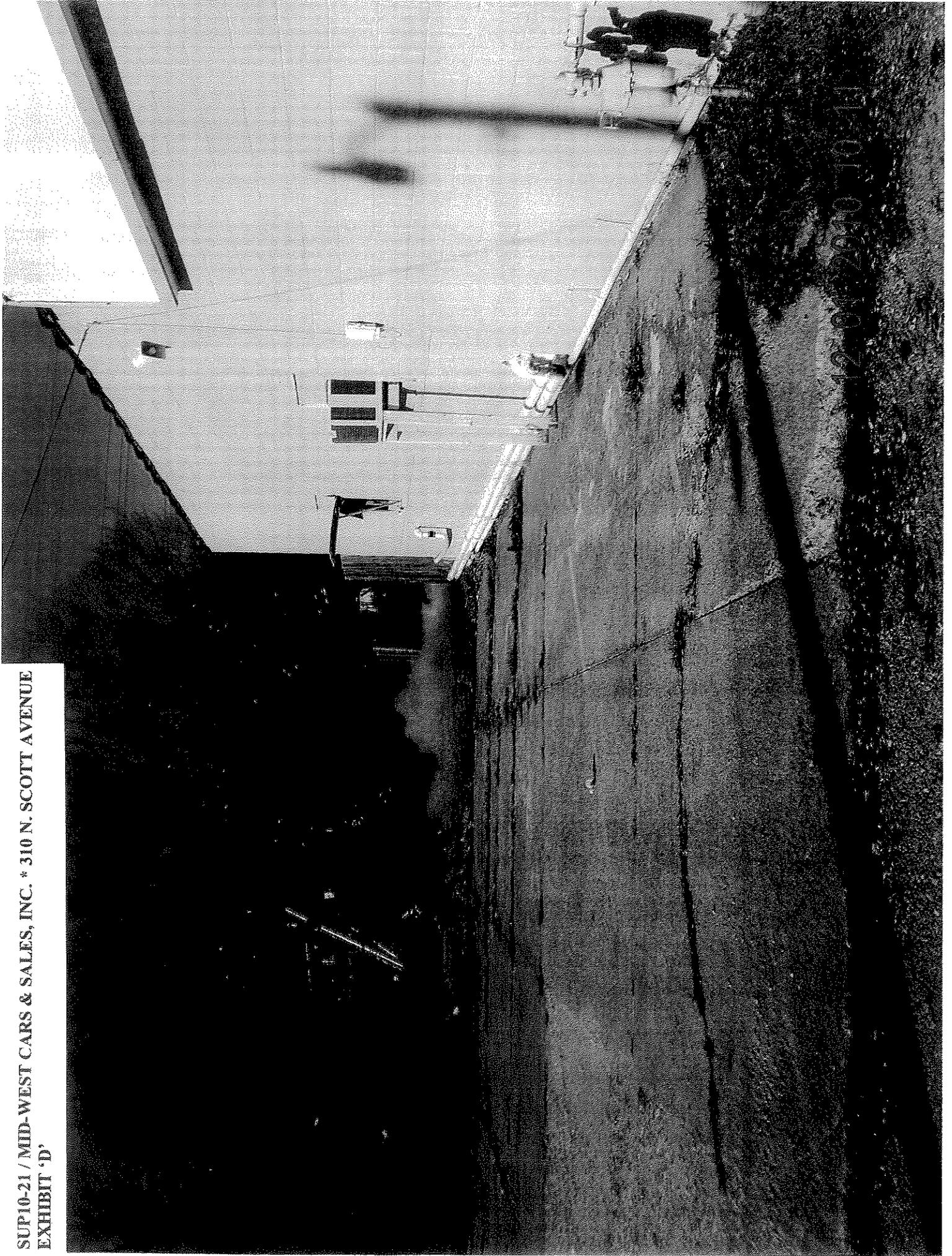
SUP10-21 / MID-WEST CARS & SALES, INC. * 310 N. SCOTT AVENUE
EXHIBIT 'B'



SUP10-21 / MID-WEST CARS & SALES, INC. * 310 N. SCOTT AVENUE
EXHIBIT 'C'



SUP10-21 / MID-WEST CARS & SALES, INC. * 310 N. SCOTT AVENUE
EXHIBIT 'D'



1209-2010-10-11

AMENDMENT

CITY FIREWORKS REGULATIONS

DIVISION 5. FIREWORKS*

*State law references: Fireworks regulations, RSMo 320.110.

Sec. 15-101. Defined.

[For purposes of this division:]

Fireworks (formerly known as Class C, Common Fireworks) shall mean 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.

~~Fireworks shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, dago bombs, sparklers or other devices of like construction and any devices containing any explosive or flammable compound, or any tablets or other device containing any explosive substance, except that the term "fireworks" shall not include auto flares, paper caps containing not in excess of an average of twenty five hundredths (0.25) of a grain of explosive content per cap, and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times.~~

(Ord. No. 74-734, § 1, 5-14-74; Ord. No. 76-823, § 2, 5-11-76)

Cross references: Alcoholic beverages generally, Ch. 4.

Sec. 15-102. Storage and sale of fireworks.

It shall be unlawful for any person, firm, organization or corporation to store, or to offer for sale fireworks of any type within the corporate limits of the City of Belton, provided however, that the city administrator or his duly designated agent may issue sale permits in accordance with the provisions hereof to any duly recognized Belton civic organization, service club, charitable organization or church organization allowing the storage and sale of certain fireworks as provided herein for a period not exceeding seven (7) days prior to and including July 4th of each year. Charitable organizations, church

organizations and affiliated institutions such as schools benefitting from such organization's fireworks sales shall be located in and operate in Belton to be duly recognized. No more than one license shall be issued to each duly recognized organization. No license shall authorize fireworks sales at more than one site. Such license period shall begin no earlier than 8:00 a.m. on June 28 and end no later than midnight, July 4th of the year in which the permit is issued. No sales shall take place between the hours of midnight and 8:00 a.m. during the license period.

(Ord. No. 74-734, § 2, 5-14-74; Ord. No. 76-823, § 3, 5-11-76; Ord. No. 82-1261, § 1, 6-22-82; Ord. No. 96-2363, § 1, 3-26-96; Ord. No. 96-2389, § 1, 7-23-96)

Sec. 15-103. Licenses for storage, sale.

Any person, firm, organization or corporation as defined above, ~~making who fails to make~~ application for a permit or license to store or sell fireworks shall file a written request with the fire prevention bureau of the fire department ~~no after later than the fifteenth day of May~~ 1st day of June of the year in which such permit or license is desired, ~~may be denied a permit~~. After approval by the fire protection bureau of the fire department, the applicant may be issued a permit upon payment of a fee of three hundred fifty dollars (\$350.00) for each site location from which fireworks shall be offered for sale. Said payment shall be made to the ~~city collector~~ City of Belton.

The application shall state the name of the organization, location of the sales site, type of structure from which sales are to be made, type of fire protection proposed and names of owners of adjoining property within a three hundred (300) foot radius of the sale site and other information required for the application for a "temporary use" as defined in the City of Belton Unified Development Code. Before any permit is granted the applicant shall file with the fire prevention bureau of the fire department a certificate of insurance showing the existence of a current policy of liability insurance for the operation of such enterprise, with face amount of said policy being not less than two hundred thousand dollars (\$200,000.00) for the injury or death of more than one person, plus one million dollars (\$1,000,000.00) for property damage resulting from such enterprise.

Not more than 1 license for the storage or sale of fireworks shall be issued per 4,000 population; provided, that the duly recognized organization as defined in this section holding a permit for the year 2010 shall be entitled to apply for and receive a license irrespective of the population limit so long as application is submitted annually. Should the organization choose not be resubmit in any year, then should the applicant submit in a subsequent year, the application will be subject to the population limits set forth herein.

Before any applicant meeting all of the qualifications of this division is granted a license for storage and sale of fireworks, the applicant or their authorized representative must attend a mandatory safety meeting. The purpose of this meeting is to review current City of Belton fireworks regulations, dates, times and other safety information. The date(s) and location(s) of the safety meeting will be included in the application packet provided to each potential license holder.

(Ord. No. 74-734, § 2, 5-14-74; Ord. No. 76-823, § 3, 5-11-76; Ord. No. 02-2899, § 1, 5-28-02)

Sec. 15-104. Sale site.

All sale sites shall be on private property and all applicants must provide, prior to receipt of permit or license, written statements from the owner of said property, or a duly authorized agent, that the organization has the permission to use the property for the purpose of the display and sale of fireworks.

(Ord. No. 74-734, § 2, 5-14-74; Ord. No. 76-823, § 3, 5-11-76)

Sec. 15-105. License not transferable; personnel at sale site.

Each and every permit approved and issued under the provisions of this division shall be restricted solely to the organization to which same is issued and nontransferable to any other organization or person. Additionally any such permit shall be valid only for the location specified thereon. Sale of fireworks or operation of a site by any organization or individuals who are not members of the permittee shall void the permit and cause forfeiture of the permit fee. Any application disapproved by the city administrator or his duly designated agent shall be returned to the applicant along with the fee deposited.

(Ord. No. 74-734, § 2, 5-14-74; Ord. No. 76-823, § 3, 5-11-76; Ord. No. 82-1261, § 2, 6-22-82)

Sec. 15-106. ~~Distribution of list of restrictions.~~ Seller to display sign.

Each sales site for which a license for storage or sale has been issued shall post a sign in a prominent location stating:

“SHOOTING OF FIREWORKS IS PROHIBITED ON CITY STREETS, IN PARKS AND OTHER PUBLIC PROPERTY

FIREWORKS MAY ONLY BE DISCHARGED FROM 10:00 AM – 10:00 PM

JUNE 28TH – JULY 4TH (MIDNIGHT ON THE 4TH)

POSSESSION OR DISCHARGE OF BOTTLEROCKET, SKYROCKET OR ROMOAN CANDLES

IS PROHIBITED IN THE CITY OF BELTON”

Each sign shall be weather-resistant with lettering at least 2” high that contrast with their background.

Each organization to which a license or permit to sell fireworks is issued agrees that as a condition of the issuance of said permit or license the organization shall provide with each sale a printed form listing the restrictions on exploding fireworks as stipulated in this division. These forms will be provided at the expense of the organization and shall be distributed at the time of and with each sale. Failure to provide said forms will be cause for revocation of the license or permit.

(Ord. No. 74-734, § 2, 5-14-74; Ord. No. 76-823, § 3, 5-11-76)

Sec. 15-107. Use and sale of Class C fireworks, with the exception of bottle rockets, sky rockets and Roman candles.

Notwithstanding any other provisions of this division, the City Council grants permission for the limited sale and use of fireworks, with the exception of those fireworks devices commonly referred to as bottle rockets, sky rockets and Roman candles, whose possession, sale, use and discharge of said enumerated items being hereby prohibited. Such use and sale shall be governed by the following regulations:

~~Notwithstanding any other provisions of this division, the board of aldermen hereby grants permission for limited use and sale within the city of those fireworks that are now or may hereafter be classified as common fireworks by the Interstate Commerce Commission, and are labeled by said commission as Class C, all as now approved in the State of Missouri by Section 320.120, Revised Statutes of Missouri, with the exception of those firework devices commonly known as bottle rockets, sky rockets and Roman candles, the sale, use and discharge of said enumerated items being hereby prohibited. Such use and sale shall be governed by the following regulations:~~

- (a) It shall be unlawful for any person to throw or place any fireworks, including pyrotechnic devices, in such manner that explosion of same will likely endanger or cause injury or damage to any person or property.
- (b) The use of such fireworks shall be restricted to the period from ~~8:00~~ 10:00 a.m. June twenty-eighth to midnight July fourth of each year.
- (c) No fireworks may be exploded between the hours of ~~10:30~~ 10:00 p.m. and ~~8:00~~ 10:00 a.m. except for Sundays, at which time the morning period of restriction shall be extended to 12:00 noon. Fireworks may be discharged in accordance with all other regulations until midnight, July fourth.
- (d) No fireworks shall be exploded during the hours of any religious service in the vicinity where such services are being conducted.
- (e) Throwing or discharging fireworks from a moving vehicle of any type is prohibited.
- (f) Throwing or discharging of fireworks on any public property, including streets and parks, is prohibited.

(Ord. No. 74-734, § 3, 5-14-74; Ord. No. 76-823, § 4, 5-11-76; Ord. No. 78-928, § 1, 4-11-78)

Sec. 15-108. Safety precautions.

No fireworks may be sold without a license as described in section 15-102 of this division. The license must be displayed in such a manner as readily visible from the check out area of the sales location. In addition, the following safety regulations must be met and maintained throughout the license period:

(1) Unless specified otherwise, licensees shall comply with all provisions of the City of Belton Code of Ordinances, the adopted fire and building codes, zoning regulations, and all other regulations of the City of Belton and the State of Missouri. Where there exists a conflict, the most stringent regulation shall apply.

(2) Each licensee shall keep and maintain at least two (2), ~~five (5) pound or~~ minimum 2-A or above, ABC rated fire extinguishers mounted in an accessible location, in plain view, near a path of travel one of which shall be a pressurized water type. The maximum travel distance to a fire extinguisher shall be 35 feet.

(3) No smoking or carrying of a lighted pipe, cigar, cigarette, or similar material is permitted in the sales area or within fifty (50) feet thereof. Licensees must provide an approved receptacle for the safe disposal of smoking materials outside of the restricted area.

(4) It shall be unlawful to sell or to offer for sale fireworks to any intoxicated or irresponsible person.

(5) The fire prevention bureau of the fire department is authorized to take, remove or cause to be removed, at the expense of the owner all stocks of fireworks offered or exposed for sale, held, used or handled in violation of this division.

(6) Licensees shall permit authorized inspections of their sales and storage areas prior to and during the license period.

(7) No hay, straw, shavings or similar combustible materials that have not been treated to make them flame retardant shall be permitted within the fireworks sales location.

Failure to meet or maintain any of the provisions of this section shall void the permit and cause forfeiture of the permit fee.

(Ord. No. 02-2899, § 2, 5-28-02)

Secs. 15-109--15-113. Reserved.

AN ORDINANCE AMENDING CHAPTER 33 OF THE 2006 INTERNATIONAL FIRE CODE REGARDING THE POSSESSION, SALE AND USE OF FIREWORKS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELTON, MISSOURI, AS FOLLOWS:

Section 1. That a public hearing was held before the Belton Planning Commission on December 6th, 2010 and the proposed changes received a recommendation of XXXXXXXX from the Commission.

Section 2. That Section 15-101 through 15-108 are deleted in their entirety and regulations of fireworks sales and use are hereafter contained in a local amendment to the adopted fire code.

Section 3. That a new Section 3309 is created and inserted within the 2006 International Fire Code to read as follows:

SECTION 3309 FIREWORKS SALES AND USE

3309.1 Definition. For the purposes of this section, Fireworks (formerly known as Class C, Common Fireworks) shall mean 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.

3309.2 Storage and sale of fireworks. It shall be unlawful for any person, firm, organization or corporation to store, or to offer for sale fireworks of any type within the corporate limits of the City of Belton, provided however, that the city administrator or his duly designated agent may issue sale permits in accordance with the provisions hereof to any duly recognized Belton civic organization, service club, charitable organization or church organization allowing the storage and sale of certain fireworks as provided herein for a period not exceeding seven (7) days prior to and including July 4th of each year. Charitable organizations, church organizations and affiliated institutions such as schools benefitting from such organization's fireworks sales shall be located in and operate in Belton to be duly recognized. No more than one license shall be issued to each duly recognized organization. No license shall authorize fireworks sales at more than one site. Such license period shall begin no earlier than 8:00 a.m. on June 28 and end no later than midnight, July 4th of the year in which the permit is issued. No sales shall take place between the hours of midnight and 8:00 a.m. during the license period.

3309.3 Licenses for storage, sale. Any person, firm, organization or corporation as defined above, who fails to make application for a permit or license to store or sell fireworks with the fire prevention bureau of the fire department by the 1st day of June of the year in which such permit or license is desired, may be denied a permit. After approval by the fire prevention bureau of the fire department, the applicant may be issued a permit upon payment of a fee of three hundred

fifty dollars (\$350.00) for each site location from which fireworks shall be offered for sale. Said payment shall be made to the City of Belton.

The application shall state the name of the organization, location of the sales site, type of structure from which sales are to be made, type of fire protection proposed and names of owners of adjoining property within a three hundred (300) foot radius of the sale site and other information required for the application for a "temporary use" as defined in the City of Belton Unified Development Code. Before any permit is granted the applicant shall file with the fire prevention bureau of the fire department a certificate of insurance showing the existence of a current policy of liability insurance for the operation of such enterprise, with face amount of said policy being not less than two hundred thousand dollars (\$200,000.00) for the injury or death of more than one person, plus one million dollars (\$1,000,000.00) for property damage resulting from such enterprise.

Not more than 1 license for the storage or sale of fireworks shall be issued per 4,000 population; provided, that the duly recognized organization as defined in this section holding a permit for the year 2010 shall be entitled to apply for and receive a license irrespective of the population limit so long as application is submitted annually. Should the organization choose not to resubmit in any year, then should the applicant submit in a subsequent year, the application will be subject to the population limits set forth herein.

Before any applicant meeting all of the qualifications of this division is granted a license for storage and sale of fireworks, the applicant or their authorized representative must attend a mandatory safety meeting. The purpose of this meeting is to review current City of Belton fireworks regulations, dates, times and other safety information. The date(s) and location(s) of the safety meeting will be included in the application packet provided to each potential license holder.

3309.4 Sale site. All sale sites shall be on private property and all applicants must provide, prior to receipt of permit or license, written statements from the owner of said property, or a duly authorized agent, that the organization has the permission to use the property for the purpose of the display and sale of fireworks.

3309.5 License not transferable; personnel at sale site. Each and every permit approved and issued under the provisions of this division shall be restricted solely to the organization to which same is issued and nontransferable to any other organization or person. Additionally any such permit shall be valid only for the location specified thereon. Sale of fireworks or operation of a site by any organization or individuals who are not members of the permittee shall void the permit and cause forfeiture of the permit fee. Any application disapproved by the city administrator or his duly designated agent shall be returned to the applicant along with the fee deposited.

3309.6 Seller to display sign. Each sales site for which a license for storage or sale has been issued shall post a sign in a prominent location stating:

"SHOOTING OF FIREWORKS IS PROHIBITED ON CITY STREETS, IN PARKS AND OTHER PUBLIC PROPERTY

FIREWORKS MAY ONLY BE DISCHARGED FROM 10:00 AM – 10:00 PM JUNE 28TH – JULY 4TH (MIDNIGHT ON THE 4TH)

POSSESSION OR DISCHARGE OF BOTTLE ROCKETS, SKYROCKETS OR ROMAN CANDLES IS PROHIBITED IN THE CITY OF BELTON”

Each sign shall be weather-resistant with lettering at least 2” high that contrast with their background.

3309.7 Use and sale of Class C fireworks, with the exception of bottle rockets, sky rockets and Roman candles. Notwithstanding any other provisions of this division, the City Council grants permission for the limited sale and use of fireworks, with the exception of those fireworks devices commonly referred to as bottle rockets, sky rockets and Roman candles, whose possession, sale, use and discharge of said enumerated items being hereby prohibited. Such use and sale shall be governed by the following regulations:

- a) It shall be unlawful for any person to throw or place any fireworks, including pyrotechnic devices, in such manner that explosion of same will likely endanger or cause injury or damage to any person or property.
- b) The use of such fireworks shall be restricted to the period from 10:00 a.m. June twenty-eighth to midnight July fourth of each year.
- c) No fireworks may be exploded between the hours of 10:00 p.m. and 10:00 a.m. except for Sundays, at which time the morning period of restriction shall be extended to 12:00 noon. Fireworks may be discharged in accordance with all other regulations until midnight, July fourth.
- d) No fireworks shall be exploded during the hours of any religious service in the vicinity where such services are being conducted.
- e) Throwing or discharging fireworks from a moving vehicle of any type is prohibited.
- f) Throwing or discharging of fireworks on any public property, including streets and parks, is prohibited.

3309.8 Safety precautions. No fireworks may be sold without a license as described in section 3309.3. The license must be displayed in such a manner as readily visible from the check out area of the sales location. In addition, the following safety regulations must be met and maintained throughout the license period:

1. Unless specified otherwise, licensees shall comply with all provisions of the City of Belton Code of Ordinances, the adopted fire and building codes, zoning regulations, and all other regulations of the City of Belton and the State of Missouri. Where there exists a conflict, the most stringent regulation shall apply.
2. Each licensee shall keep and maintain at least two (2), minimum 2-A rated fire extinguishers mounted in an accessible location, in plain view, near a path of travel

one of which shall be a pressurized water type. The maximum travel distance to a fire extinguisher shall be 35 feet.

3. No smoking or carrying of a lighted pipe, cigar, cigarette, or similar material is permitted in the sales area or within fifty (50) feet thereof. Licensees must provide an approved receptacle for the safe disposal of smoking materials outside of the restricted area.
4. It shall be unlawful to sell or to offer for sale fireworks to any intoxicated or irresponsible person.
5. The fire prevention bureau of the fire department is authorized to take, remove or cause to be removed, at the expense of the owner all stocks of fireworks offered or exposed for sale, held, used or handled in violation of this division.
6. Licensees shall permit authorized inspections of their sales and storage areas prior to and during the license period.
7. No hay, straw, shavings or similar combustible material that have not been treated to make them flame retardant shall be permitted within the fireworks sales location.

Failure to meet or maintain any of the provisions of this section shall void the permit and cause forfeiture of the permit fee.

Section 4. That this ordinance shall be in full force and effect from and after its passage and approval.

Duly read two (2) times and passed this XXth day of December, 2010.

Mayor Jimmy Odom

Approved this XXth day of December, 2010.

Mayor Jimmy Odom

ATTEST:

Patricia A. Ledford, City Clerk
of the City of Belton, Missouri

STATE OF MISSOURI)
CITY OF BELTON)SS
COUNTY OF CASS)

I, Patricia A. Ledford, City Clerk, do hereby certify that I have been duly appointed City Clerk of the City of Belton and that the foregoing ordinance was regularly introduced for first reading at a meeting of the City Council held on the XXth day of December, 2010, and thereafter adopted as Ordinance No. 2010-XXXX of the City of Belton, Missouri, at a regular meeting of the City Council held on the XXth day of December, 2010, after the second reading thereof by the following vote, to-wit:

AYES: 0 COUNCILMEN:
NOES: 0 COUNCILMEN:
ABSENT: 0 COUNCILMEN:

Patricia A. Ledford, City Clerk
of the City of Belton, Missouri