

City of Arnold, Missouri

**Work Session
Regular Meeting**

**March 11, 2021
7:00 p.m.**

The meeting will be held in-person at Arnold City Hall. You may also join by Zoom.

Zoom Link – Internet Audio/Video

<https://us02web.zoom.us/j/83912434971?pwd=REFOK0lxK2FvakZxZkV3V2x6RzFVQT09>

Dial-in Number: 1-312-626-6799 Meeting ID: 839 1243 4971 Passcode: 357195

Agenda

1. MS4 (Municipal Storm Sewer System) Permit Renewal – Judy Wagner, Public Works Director
2. Fireworks Stands – David Bookless, Community Development Director; Tammi Casey, City Clerk; Bob Sweeney, City Attorney
3. Forklift Purchase – Dickie Brown, Parks and Recreation Director
4. Pomme Creek Park Mowing Bids – Dickie Brown, Parks and Recreation Director
5. Adjournment

**CITY OF ARNOLD
NOTIFICATION FOR THE
MS4 PERMIT RENEWAL FOR THE
2021-2026 PERMIT TERM**

Be advised that the City of Arnold Missouri, Stormwater Division, will be submitting a permit application to the Missouri Department of Natural Resources to renew its Small Municipal Storm Sewer System (MS4) Operating Permit MO-R040043. The draft permit application and planned compliance Best Management Practices can be viewed at www.arnoldmo.org on the Stormwater Department page.

A virtual open house will be held during the Arnold City Council Work Session on Thursday, March 11, 2021 at 7:00 pm. A link to attend the virtual Work Session will be provided on the city's website at www.arnoldmo.org under "Upcoming Events". The link will be listed on the Work Session Agenda.

[Submit Comment](#)

We are accepting comments on the draft permit application through March 22, 2021. Please provide comments via the "contact us" link on our website or via mail to the City of Arnold Stormwater Department, 2900 Arnold Tenbrook Road, Arnold, MO 63010.

Tammi Casey, City Clerk



MISSOURI DEPARTMENT OF NATURAL RESOURCES
 WATER PROTECTION PROGRAM
FORM K – APPLICATION FOR INDIVIDUAL SMALL MS4 GENERAL PERMIT
 (FORM M MUST ALSO BE SUBMITTED)

FOR AGENCY USE ONLY	
CHECK NUMBER OR JETPAY CONFIRMATION #	
DATE RECEIVED	FEE SUBMITTED

PLEASE READ ALL THE ACCOMPANYING INSTRUCTIONS BEFORE COMPLETING THIS FORM. SUBMITTAL OF AN INCOMPLETE APPLICATION MAY RESULT IN THE APPLICATION BEING RETURNED. (FOR CO-PERMITTEE SMALL MS4S PLEASE FILL OUT FORM L)

1. REASON FOR APPLICATION

- 1.1 a. This municipality/area is currently operating a separate storm sewer system under MO -R040043.
 b. This is a new permit.
- 1.2 a. This application is for coverage under the MOR04 Two-step MS4 General Permit.
 b. This application is for coverage under the MOR04C Comprehensive MS4 General Permit.

2. NAME OF MUNICIPALITY/AREA

NAME OF MUNICIPALITY/AREA **Arnold MS4**

ADDRESS (HEADQUARTERS PHYSICAL LOCATION) 2101 Jeffco Blvd	CITY Arnold	STATE MO	ZIP CODE 63010
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3. OWNER

NAME City of Arnold	TELEPHONE NUMBER WITH AREA CODE 636-282-6600		
EMAIL ADDRESS			
ADDRESS (MAILING) 2101 Jeffco Blvd	CITY Arnold	STATE MO	ZIP CODE 63010

4. CONTINUING AUTHORITY

NAME City of Arnold	TELEPHONE NUMBER WITH AREA CODE 636-282-6600		
EMAIL ADDRESS			
ADDRESS (MAILING) 2101 Jeffco Blvd	CITY Arnold	STATE MO	ZIP CODE 63010

5. MUNICIPALITY/AREA CONTACT

NAME Judy Wagner	TELEPHONE WITH AREA CODE 636-282-2386
TITLE Public Works Director	
E-MAIL ADDRESS jwagner@arnoldmo.org	

6. REPRESENTATIVE STORMWATER OUTFALLS (ATTACH ADDITIONAL SHEETS AS NECESSARY)

Outfall Number	Legal Description	GPS Coordinates (specify units)	Receiving Water Body
	Qtr 1 ___ ¼ Qtr 2 ___ ¼ Sec. ___ T ___ R ___		
	Qtr 1 ___ ¼ Qtr 2 ___ ¼ Sec. ___ T ___ R ___		
	Qtr 1 ___ ¼ Qtr 2 ___ ¼ Sec. ___ T ___ R ___		
	Qtr 1 ___ ¼ Qtr 2 ___ ¼ Sec. ___ T ___ R ___		

7. ADDITIONAL MUNICIPALITY/AREA INFORMATION

Attach a topographic map (or other map if a topographic map is unavailable) extending one mile beyond the property boundaries of the Regulated MS4 showing the location of the municipality/area in relation to the local road system. Indicate on the map the municipality/area boundaries, the receiving stream(s), and representative stormwater outfalls.

INSTRUCTIONS FOR COMPLETING FORM K – APPLICATION FOR SMALL MS4 GENERAL PERMIT

1. Check which options are applicable.
2. Name of municipality/area to be permitted – by what name is this area known locally. Examples: O’Fallon MS4, Joplin MS4, Federal Medical Prison MS4, etc. Give the street address of the municipality/area’s headquarters.
3. Owner – An entity who owns and controls the use, operation, and maintenance of a separate storm sewer. Provide the legal name, mailing address, phone number, and email address of the owner. Correspondence will be mailed to the owner address listed on this application.
4. Continuing Authority – A continuing authority is a company, business, entity or person(s) that will be operating the facility and/or ensuring compliance with the permit requirements. A continuing authority is not, however, an entity or individual that is contractually hired by the permittee to sample or operate and maintain the system for a defined time period, such as a certified operator or analytical laboratory. To access the regulatory requirement regarding continuing authority, 10 CSR 20-6.010(2), please visit <https://s1.sos.mo.gov/cmsimages/adrules/csr/current/10csr/10c20-6.pdf>. A continuing authority’s name must be listed exactly as it appears on the Missouri Secretary of State’s (SoS’s) webpage: <https://bsd.sos.mo.gov/BusinessEntity/BESearch.aspx?SearchType=0>, unless the continuing authority is an individual(s), government, or otherwise not required to register with the SoS.
5. Municipality/area contact – Provide the name, title, work phone number, and email address of a person who is thoroughly familiar with the operation of the MS4 program and with the facts reported in this application and who can be contacted by the Department.
6. A stormwater outfall is the point(s) at which stormwater is discharged to a receiving stream. Outfall location(s) should be given in terms of the legal description. Sufficient information should be submitted so Department staff may locate the stormwater outlet. Receiving water(s) – the name of the first named receiving water body to which each stormwater discharge is directed.
7. A U.S. Geological Survey 1" = 2,000' scale map showing the municipality/area in relation to the local road systems and receiving water(s). U.S. Geological Survey topographic maps are available from the Department’s Missouri Geologic Survey in Rolla, MO at 573-368-2100 or an aerial photograph with appropriate detail available from various online mapping applications. To the best of your ability mark boundaries, outfall locations, and receiving water body(ies).
8. Applicants can pay fees online by credit card or eCheck through a system called JetPay.
 - Per Section 37.001, RSMo, a transaction fee will be included. The transaction fee is paid to the third party vendor JetPay, not the Department of Natural Resources.
 - Be sure to select the correct fee type and corresponding URL to ensure your payment is applied appropriately. If you are unsure what type of fee to pay, please contact the Water Protection Program’s Budget, Fees, and Grants Management Unit by phone at (573) 522-1485 for assistance.
 - Upon successful completion of your payment, JetPay provides a payment confirmation. Submit this form with a copy of the payment confirmation if requesting a new permit or a permit modification. For permit renewals of active permits, the Department will invoice fees annually in a separate request.
 - If you are unable to make your payment online, but want to pay with credit card, you may email your name, phone number, and invoice number, if applicable, to wppfees@dnr.mo.gov. The Budget, Fees, and Grants Management Unit will contact you to assist with the credit card payment. **Please do not include your credit card information in the email.**
 - Applicants can find fee rates in 10 CSR 20-6.011 at <https://s1.sos.mo.gov/cmsimages/adrules/csr/current/10csr/10c20-6.pdf> (<https://dnr.mo.gov/pubs/pub2564.htm>).
 - This form must be submitted with the application fee if requesting a new permit or permit modification.
9. Electronic Discharge Monitoring Report (eDMR) Submission System – Visit <http://dnr.mo.gov/env/wpp/edmr.htm> to find the eDMR Permit Holder and Certifier Registration Form and information about the eDMR system.

Waivers from electronic reporting may be granted by the Department per 40 CFR 127.15 under certain, special circumstances. A written request must be submitted to the Department for approval. Waivers may be granted to facilities owned or operated by:

 - A. members of religious communities that choose not to use certain technologies or
 - B. permittees located in areas with limited broadband access. The Federal Communications Commission (FCC) has created a broadband internet availability map: <https://broadbandmap.fcc.gov/#/>. Please contact the Department if you need assistance.
9. Signature – all applications must be signed as follows and the signature must be original. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA). Include the name and title of the person signing the form and the date of signing.

Please send questions and mail completed forms with appropriate fees to the appropriate office:

- Water Protection Program-Operating Permits Section, 573.522.4502, P.O. BOX 176, Jefferson City, MO 65102
 - All permitting actions in Camden, Cole, Maries, Miller, Moniteau, Morgan, Osage, Phelps, Pulaski and Pettis Counties.
- Regional Offices based on the county where the facility is physically located outside the counties listed above: <https://dnr.mo.gov/regions/index.html>.

8. FEES

Permit fees may be paid by attaching a check, or online by credit card or eCheck through the JetPay system. For permit renewals of active permits, fees are invoiced annually via a separate request. Use the URL provided to access JetPay and make an online payment:

- For new general permits (MOR): <https://magic.collectorsolutions.com/magic-ui/payments/mo-natural-resources/604>
- For modifications: <https://magic.collectorsolutions.com/magic-ui/payments/mo-natural-resources/596>

9. ELECTRONIC DISCHARGE MONITORING REPORT (eDMR) SUBMISSION SYSTEM

1. Electronic Discharge Monitoring Report (eDMR) Submission System. Per 40 CFR Part 127 National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule, reporting of effluent limits and monitoring shall be submitted by the permittee via an electronic system to ensure timely, complete, accurate, and nationally consistent set of data about the NPDES program. All general permit covered facilities under this master general permit shall comply with the Department's requirements for electronic reporting.
 - (a) Discharge Monitoring Reporting Requirements.
 - (1) Registration to participate in the Department's eDMR system shall be completed before the first report is due. Registration is done online through the Missouri Gateway for Environmental Management (MoGEM) online portal. Information about the eDMR system can be found at <https://dnr.mo.gov/env/wpp/edmr.htm> and information about MoGEM can be found at <https://dnr.mo.gov/mogem/>. The first user shall register as an Organization Official and the association to the facility must be approved by the Department.
 - (2) The permittee must electronically submit compliance monitoring data via the eDMR system. In regards to Standard Conditions Part I, Section B, #7, the eDMR system is currently the only Department approved reporting method for this permit.
 - (b) Electronic Submissions. After successful account registration, to access the eDMR system use the following link in your web browser: <https://apps5.mo.gov/mogems/welcome.action>. If you experience difficulties with using the eDMR system you may contact edmr@dnr.mo.gov or call 855-789-3889 or 573-526-2082 for assistance.
 - (c) Waivers from Electronic Reporting.
 - (1) The permittee must electronically submit compliance monitoring data and reports unless a waiver is granted by the Department in compliance with 40 CFR Part 127.
 - (2) The permittee may obtain a temporary or permanent electronic reporting waiver by first submitting an eDMR Waiver Request Form (Form 780-2692): <http://dnr.mo.gov/forms/780-2692-f.pdf>, by contacting the appropriate permitting office or emailing edmr@dnr.mo.gov. The Department will either approve or deny this electronic reporting waiver request within 120 calendar days of receipt.
 - (3) Only permittees with an approved waiver request may submit monitoring data and reports on paper to the Department for the period the approved electronic reporting waiver is effective.
 - (d) Other actions. The following shall be submitted electronically after such a system has been made available by the Department:
 - (1) General Permit Applications/Notices of Intent to discharge (NOIs);
 - (2) Notices of Termination (NOTs);
 - (3) No Exposure Certifications (NOEs); and
 - (4) Low Erosion Waivers and Other Waivers from Stormwater Controls (LEWs).

9. CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME AND OFFICIAL TITLE (TYPE OR PRINT) <i>Judy Wagner Director of Public Works</i>	TELEPHONE NUMBER WITH AREA CODE <i>636-275-8344</i>
SIGNATURE <i>Judy Wagner</i>	DATE SIGNED <i>2-11-2021</i>

Before mailing, please ensure all sections are complete and additional forms, if applicable, are included. Submitting an incomplete form may result in the Department returning the application.

HAVE YOU INCLUDED THE FOLLOWING?

- Appropriate fees
- Map at 1" = 2000'
- Form M



MISSOURI DEPARTMENT OF NATURAL RESOURCES
WATER PROTECTION PROGRAM, WATER POLLUTION BRANCH
PO BOX 176 JEFFERSON CITY, MO 65102

**FORM M – APPLICATION FOR STORM WATER PERMIT (FORM K OR L MUST BE INCLUDED)
UNDER THE GENERAL PERMIT: SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

1. NAME OF MUNICIPALITY/AREA(S) TO BE COVERED BY THIS PERMIT Arnold MS4
2. PHYSICAL LOCATION OF MUNICIPALITY/AREA(S) (ADDRESS ASSIGNED) 2101 Jeffco Blvd, Arnold, Missouri 63010
3. TOTAL AREA OF MUNICIPALITY/AREA (S) ____ ACRES OR <u>11.5</u> SQUARE MILES.
4. A STORM WATER MANAGEMENT PROGRAM (SWMP) MUST BE DEVELOPED FOR THIS MUNICIPALITY/AREA. (THIS PROGRAM MUST BE DEVELOPED IN ACCORDANCE WITH REQUIREMENTS & GUIDELINES SPECIFIED WITHIN THE GENERAL PERMIT FOR STORM WATER DISCHARGES FROM MS4 ACTIVITIES. THE APPLICATION WILL BE CONSIDERED INCOMPLETE IF THE SWMP HAS NOT BEEN DEVELOPED IN ACCORDANCE WITH THE TERMS OF THE GENERAL PERMIT. A COPY OF THE SWMP MUST BE SUBMITTED ALONG WITH THIS APPLICATION.)
5. SUMMARIZE THE MEASURES FROM THE SWMP THAT WILL BE USED FOR PUBLIC EDUCATION AND OUTREACH. (ATTACH ADDITIONAL SHEETS IF NECESSARY) Residential dumping of solid waste will be addressed by tracking hits from website messaging and embossing manholes with "Drains to stream". Also residential grass clippings and yard waste disposal will be sent fact sheet brochures for each housing unit. Dumping by Commercial Businesses will be addressed with fact sheet brochures mailed as inserts in bills. Supporting public activities for citizen involvement will include both Stream Team watershed clean-ups in priority areas for litter/dumping and at Arnold Days public event to provide one booth or display annually.
6. SUMMARIZE THE MEASURES FROM THE SWMP THAT WILL BE USED FOR PUBLIC INVOLVEMENT AND PARTICIPATION. (ATTACH ADDITIONAL SHEETS IF NECESSARY) <u>The SWMP</u> will be put on public notice for 30 days, after which a public meeting will be held, tracking all public comments and responses. Inquiries about stormwater issues will be accepted by City Website, emails, and phone calls. Comments will be recorded and categorized to determine priorities and which issues need more education. Citizens and members of City Council may attend municipal stormwater advisory meetings and attendance will be recorded.
7. SUMMARIZE THE MEASURES FROM THE SWMP THAT WILL BE USED FOR ILLICIT DISCHARGE DETECTION AND ELIMINATION. (ATTACH ADDITIONAL SHEETS IF NECESSARY) <u>The City</u> will maintain and update a map of all storm sewers, stream locations, and outfall locations. Outfalls screening will be performed with a standard checklist. The City will use analytical methods to diagnose pollution types found at outfall investigations. The City will maintain written procedures for tracing sources of illicit discharges and how to remove the source or pollution and its discharged materials by a person or remediation company. The City will investigate complains of spills timely to protect human health or stream life or refer to appropriate agency. The City will maintain a database of screenings, investigations, and enforcement actions. Illicit discharge training program for all affected MS4 staff will be maintained.
8. SUMMARIZE THE MEASURES FROM THE SWMP THAT WILL BE USED FOR CONSTRUCTION SITE STORM WATER RUNOFF CONTROL. (ATTACH ADDITIONAL SHEETS IF NECESSARY) <u>The City</u> reviews all pre-construction plans for potential water quality impacts, and determines if types of plan deficiencies commonly found require more education for developers. The City performs inspection and enforcement of construction sites per Code 520.180. The City will maintain and inventory of sites for relevant sizes and contacts. The City receives concerns on construction activities from the public through emails and the website. The City trains all City reviewers and inspectors for erosion and sediment control methods at a minimum of once per permit cycle.

8. FEES

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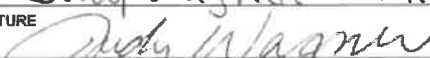
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 - (3) No Exposure Certifications (NOEs); and
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9. CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME AND OFFICIAL TITLE (TYPE OR PRINT)	TELEPHONE NUMBER WITH AREA CODE
Judy Wagner Director of Public Works	636-275-8344
SIGNATURE	DATE SIGNED
	2-11-2021

Before mailing, please ensure all sections are complete and additional forms, if applicable, are included. Submitting an incomplete form may result in the Department returning the application.

HAVE YOU INCLUDED THE FOLLOWING?

- Appropriate fees
- Map at 1" = 2000'
- Form M

Legend

★ Representative Outfalls

Inspection Locations

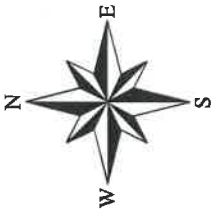
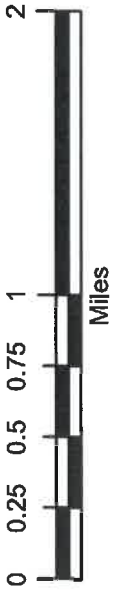
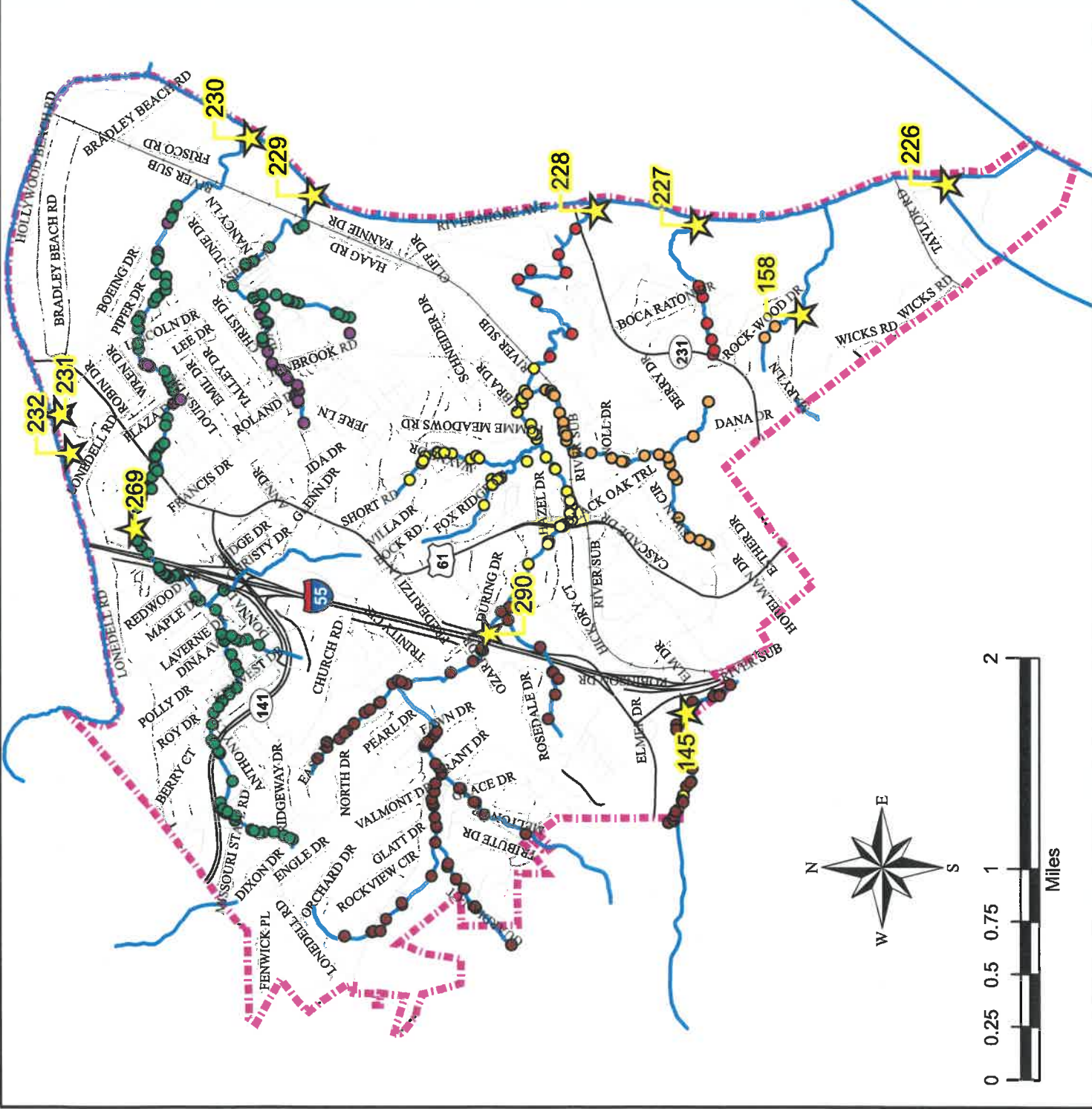
- 2015
- 2016
- 2017
- 2017.5
- 2018
- 2020

— Channel Location
- - - Arnold City Limits

INTUITION
LOGIC



OUTFALL MAP



Representative Stormwater Outfalls

Point Number	Eastings	Northings	Latitude	Longitude	Receiving Water Body
145	727753.0305	4254753.1646	38.412017	-90.391467	Black Creek
158	730811.1784	4253950.7090	38.404008	-90.356739	
226	731839.7183	4252881.2302	38.394113	-90.345324	
227	731472.1625	4254767.9862	38.411194	-90.348908	
228	731562.4188	4255538.8665	38.418111	-90.347621	Pomme Creek
229	731619.9567	4257690.9612	38.437470	-90.346254	
230	732044.6719	4258179.7516	38.441760	-90.341231	
231	729901.0504	4259565.8489	38.454794	-90.365314	Meramec River
232	729605.6593	4259474.8509	38.454050	-90.368726	Meramec River
269	729041.8156	4258974.4691	38.449691	-90.375345	
290	728314.1970	4256266.8856	38.425501	-90.384555	Pomme Creek



CITY COUNCIL AGENDA ITEM STAFF REPORT

MEETING DATE:	March 8, 2021
SUBJECT:	Fireworks Stands
DEPARTMENT:	Community Development
PROJECT MANAGER:	David B. Bookless, Director
ACTION:	City Council Discussion
ATTACHMENTS:	Working draft ordinance

The City of Arnold regulates the sale of fireworks in Code of Ordinances Chapter 215 (Offenses), as does many communities. Those regulations date back to the original adoption of the codes with one minor amendment reflecting a change in state statute allowable dates for fireworks sales.

City of permitting was fireworks stands was jointly handled by the City Clerk (business licensing) and Community Development (building permit) at a cost of \$500 per stand – a number that didn't reflect other business licensing and the cost of plan review, inspections, etc. Approximately four (4) years ago, the City revised its business licensing formula for retail uses to be based upon gross receipts, however, fireworks stands were intentionally not addressed. The reasoning was that while it is a retail use that generates substantial sales in a limited period, it is temporary use that returns every year, i.e. it didn't quite fit with other retail uses. With respect to building permits, \$500 would be the normal minimum commercial building permit that accounts for application and plan review, multiple inspections during the assembly of the stand as well as any follow-up inspections after their removal.

With that in mind, the City Administrator directed the Community Development Director, the City Clerk, and the City Attorney to develop updated code provisions for consideration by the Council. After several months of development, staff crafted an ordinance with a number of substantial changes, including updating the age at which fireworks can be purchased, the fees charged for permits/licenses, and specific requirements addressing safety and application submittal. These changes were based upon research conducted by staff of numerous communities across Missouri. Ultimately, staff chose to model the draft upon the City of St. Charles's regulations albeit a bit simplified and with significantly lower fees. Before bringing the draft to Council, staff thought it might be helpful to discuss it with a local operator of such businesses – Fireworks City. Staff met with Mark Lloyd and Tom Dixon of Fireworks City on March 5, 2021, and found Messrs. Lloyd and Dixon to be very open to the proposed changes and offered to provide comments to staff before the final draft is submitted for Council review. We are awaiting those comments, and therefore they are not reflected in the Attached draft. However, it should be noted that Messrs. Lloyd and Dixon informed staff that they had been very much involved in the drafting of the City of St. Charles ordinance upon which we were modeling our draft.

Please see the attached working draft ordinance for your review.

AN ORDINANCE PROVIDING FOR THE REPEAL OF ARTICLE XIV (FIREWORKS) OF CHAPTER 215 (OFFENSES) OF THE ARNOLD OF CODE ORDINANCES AND ENACTING IN LIEU THEREOF A NEW ARTICLE XIV (FIREWORKS) ON THE SAME SUBJECT WITH CERTAIN MODIFICATIONS AS HEREINAFTER SET FORTH, AND ESTABLISHING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the City Council of Arnold, Missouri does hereby adopt the following amendments to Article XIV (Fireworks) of Chapter 215 (Offenses) of Title II (Public Health, Safety and Welfare) of the Code of Ordinances relating to the sale and discharge of fireworks within the City for the purpose of furthering the public health, safety and welfare of the City and its residents.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 215 (Offenses) of the City of Arnold Code of Ordinances, inclusive, is hereby amended by the deletion of Sections 215.2210 through 215.2290 (Article XIV Fireworks) and the insertion of the following in lieu thereof:

“Article XIV Fireworks

Section 215.2210 Definitions

1.3G EXPLOSIVES

Formerly known as Class B special fireworks. Items classified as 1.3G explosives are display fireworks.

1.4G EXPLOSIVES

Formerly known as Class C common fireworks. Items classified as 1.4G explosives are consumer fireworks intended for use by the general public.

FIREWORKS

The term "fireworks" means and includes any composition or device for producing a visible, audible, or both visible and audible effect by combustion, deflagration, or detonation and that meets the definition of consumer, proximate, or display fireworks as set forth by 49 CFR Part 171 to end, United States Department of Transportation hazardous materials regulations, and American Pyrotechnics Association, Standard 87-1. The term "fireworks" shall not include toy pistols, toy guns, or other devices in which paper caps containing twenty-five hundredths (0.25) grains or less explosive compounds are used, providing that they are so constructed that the hand cannot come in contact with the cap when in place for use.

FIREWORKS STAND

The term “fireworks stand” shall refer to any building, stand, tent, whether temporary or permanent, from which fireworks, as defined herein, are displayed and/or sold for retail purposes per licensing procedures contained in the article.

Section 215.2220 Discharging Prohibited — Exception.

- A. Except as provided in Subsection (B), it shall be unlawful for any person to willfully set off, use, burn, explode or fire off fireworks of any kind within the municipal boundaries of the City; provided however, that this Section shall not apply to parks or other public places when in the charge of competent persons and under a permit issued by the City Council.
- B. No fireworks shall be discharged in the City before the 25th of June or after the fifth day of July and before the 31st day of December and after the first day of January. No fireworks shall be discharged on permitted days except between the hours of 12:00 P.M. and 10:00 P.M. on June 25 through June 30, 12:00 P.M. and 11:00 P.M. on July 1 through July 3, 12:00 P.M. and 12:00 A.M. on July 4, and 12:00 P.M. and 10:00 P.M. on July 5, except by special written permits granted by the City Council for exhibition and display purposes, and further provided that fireworks may be discharged from 9:00 P.M. December 31 to 12:30 A.M. January 1.
- C. It shall be unlawful for any person under the age of eighteen (18) to purchase, possess, set off, use, burn, explode or fire off any fireworks including, but in no way limited to, non-rocket, non-missile or aerial fireworks that do not contain a stick or fin within the municipal boundaries of the City without adult supervision.
- D. No person shall cause or knowingly permit his/her child or ward under the age of eighteen (18) years to discharge fireworks in the City in violation of any provisions of this Code. Violation of this Section shall result in a fine upon the parent or guardian of one hundred dollars (\$100.00) for each separate violation.
- E. Sections 215.2510-2540, regarding responsibility of parents and other adults for the criminal acts of children, shall apply to this Section.
- F. Police Officers are to enforce this strictly and without the use of warnings. Summons are to be issued regardless of circumstances. Any person under the age of eighteen (18) found to be in possession of, setting off, using, burning, exploding or firing off, without adult supervision, any fireworks, including, but in no way limited to, non-rocket, non-missile or aerial fireworks that do not contain a stick or fin, shall have such items confiscated by Police Officers.
- G. Notwithstanding any other provision of this Section, it shall be unlawful for any person to willfully set off, use, burn, explode or fire off any fireworks on any property owned by the City or any park within the City at any time without a valid permit issued by the City Council.

Section 215.2230 Sale of Fireworks — Licenses.

- A. It shall be unlawful for any person to sell, offer to sell or expose for sale any fireworks of any type whatsoever within the City without first having obtained a license therefore from the City Clerk for each "fireworks stand" location at which fireworks are sold or offered for sale; provided however, that this Section shall not apply to the sale of fireworks in wholesale lots by any manufacturer, jobber, wholesaler,

distributor, or other person holding a wholesale license to do business within the City to retail dealers located inside or outside the City.

- B.** No person shall offer fireworks for sale in the City to individuals at retail before the 20th of June and after the 10th day of July and before the 20th of December and after the 2nd day of January of the next year. No fireworks shall be offered for sale at retail on permitted days except between the hours of 9:00 A.M. and 11:00 P.M. provided that on the 1st of July through the 3rd of July fireworks may be sold between the hours of 9:00 A.M. and 12:00 A.M.
- C.** The City Clerk is authorized to issue to any person a "fireworks stand" license to permit sales of fireworks now or hereafter classified as "1.4G Class C Common Fireworks" by the United States Department of Transportation. Licenses shall be issued for fireworks stands located only in zoning districts where such use is permitted or where a conditional use permit has been granted per the requirements of Chapter 405 of this Code of Ordinances.
- D.** It shall be unlawful to sell to retail dealers, or any other person in the City for the purpose of resale or use, any consumer fireworks which do not have the numbers and letter "1.4G" printed with an orange diamond shaped label printed on or attached to the fireworks shipping carton.
- E.** No license shall be issued for a stand if the applicant has failed to satisfy any other obligation due and owing to the City.
- F.** An application for a "fireworks stand" license shall be submitted to the Community Development Department by June first (1st) and shall include the following:

- 1. For each fireworks stand location in the year 2021, business license fees shall be based upon the following schedule:

Stands up to 1,000 square feet	\$500
Stands greater than 1,000 square feet	\$1,000

The above fees shall apply to sales areas only. No fee shall apply to storage areas. Storage areas may include tractor trailers, trucks, vans, automobile trailers, or other permanent or temporary vehicles or structures.

- 2. For each fireworks sales stand location in the year 2022 and thereafter, business license fees shall be based upon the following schedule:

Stands up to 1,000 square feet	\$1,000
Stands greater than 1,000 square feet	\$2,000

The above fees shall apply to sales areas only. No fee shall apply to storage areas. Storage areas may include tractor trailers, trucks, vans, automobile trailers, or other permanent or temporary vehicles or structures.

3. A statement that the applicant agrees to comply strictly with the terms of this Chapter, the laws of the State of Missouri, Jefferson County, and the City of Arnold, Missouri.
 4. Documentation establishing that any fireworks stand is insured in an amount and manner satisfactory to the City. Said amount and manner shall be determined from time to time by the City Council upon the recommendation of the City Clerk.
 5. Proof of a valid Missouri State sales tax number.
 6. An application for Building Permit for each “fireworks stand” to include the following:
 - a. Building permit fee of five hundred dollars (\$500.00)
 - b. Site Plan to include at minimum the following:
 - (1) Address or site location;
 - (2) Property owner and operator names, addresses and phone numbers;
 - (3) Size of the lot and tent;
 - (4) Location of the tent(s) and all other structures or equipment including trailers and storage units located on the lot;
 - (5) Location of all existing and proposed driveway entrances and temporary parking lot areas;
 - (6) Location of required restroom facilities (a minimum of one (1) portable facility on site is required);
 - (7) Location of required dumpsters (a minimum of one (1) two (2) yard dumpster for a location having one thousand (1,000) square feet or less of sales area and a minimum of two (2) two (2) yard dumpsters or one (1) four (4) yard dumpster for a location having more than one thousand (1,000) square feet of sales area);
 - (8) Location of required on-site, off-street customer parking spaces (a minimum of one (1) space per three hundred (300) square feet of sales area is required);
 - (9) Location of nearest fire hydrant;
 - (10) Other information as may be required by the City to ensure public health and safety.
- G.** The City Clerk shall only issue a license for a “fireworks stand” in conjunction with the granting of a Certificate of Occupancy by the Building Commissioner. The Building

Commissioner may issue a Certificate of Occupancy when the following has been satisfied:

1. All building permit inspection requirements have been satisfied to the Commissioner's satisfaction.
 2. A certificate of flame resistance must be submitted for each tent and a fire inspection has been obtained from the Rock Community Fire District.
 3. Approval from the Public Works Director or his/her designee of any new right-of-way curb cut and approval of the Building Commissioner of any temporary surfacing for a parking lot are required if a new right-of-way curb cut or if temporary surfacing is to be installed. These approvals must address the following:
 - a. If a vertical curb is present at the entrance location, a concrete approach may be constructed and left in place to the right-of-way line. If an approach is not constructed, the existing curb must be removed prior to use of the parking lot and replaced within sixty (60) days of the removal.
 - b. No portion of City-owned right-of-way shall be surfaced and a minimum of a ten (10) foot parking setback shall be provided.
 - c. Where used, temporary paving material shall be removed and vegetation re-established on the site within sixty (60) calendar days of the final date of fireworks sales.
 - d. Where temporary surfacing material is used, a cash deposit, irrevocable letter of credit or a surety bond made payable to the City of Arnold, Missouri, will be required by the Director of Public Works or his/her designee. The security should be in an amount equal to the amount required to perform the reparative measures described in this Section, based on an estimate approved by the Director of Public Works or his/her designee. The security shall be subject to the condition that the reparative measures (actions taken to return disturbed land to the condition and appearance that existed before the temporary use) be performed within the first sixty (60) days following the intended usage of the temporary facility as indicated on the temporary parking lot application. The security shall be valid for the entire sixty (60) day period after which it will be forfeited to the City if reparative measures are not complete. If the reparative measures are not completed within the specified time, the City may use the funds from the security of any necessary portion thereof to complete the reparative measures. If the security is inadequate to pay for the costs of the reparative measures, the City shall recover the balance from the property owner.
- H.** The following standards shall be used for the review of any fireworks license and shall apply to the operation of the facility:
1. Stands from which fireworks are to be sold or stored shall not be located within fifty (50) feet of any permanent structure or building, public park, swimming pool or public or private playground.

2. All stands shall be at least fifty (50) feet from the edge of the pavement of any public road, highway or building.
3. Stands shall be erected entirely on private property, and shall be a minimum of twenty (20) feet from the pavement edge of all driveway or parking lot entrances.
4. Stands from which fireworks are sold or stored shall not be located within one hundred (100) feet of any structure in which petroleum or other flammable products are sold or dispensed in any manner other than in closed containers.
5. A maximum of two (2) semi-truck storage trailers or the equivalent area of trailer storage as determined by the Building Commissioner shall be allowed per location. Additional storage may be permitted upon review and approval of the Building Commissioner. Such trailers shall maintain a minimum of ten (10) foot separation, have DOT labels on them and must be marked "EMPTY" with four (4) inch letters when all contents are removed.
6. All weeds and combustible materials shall be cleared from any sales location including a distance of at least twenty-five (25) feet surrounding the sales location.
7. The operator/licensee shall ensure that a sign bearing the message "Discharge of Fireworks is Permissible within the City Limits of the City of Arnold Between the Hours of 12:00 P.M. and 10:00 P.M. on June 25 through June 30, 12:00 P.M. and 11:00 P.M. on July 1 through July 3, 12:00 P.M. and 12:00 A.M. on July 4, and 12:00 P.M. and 10:00 P.M. on July 5, and between 9:00 P.M. December 31 to 12:30 A.M. January 1." in letters at least three (3) inches in height shall be displayed in a prominent location in each fireworks stand or tent. Such sign shall not count towards the limits of allowable signage provided for by this Section.
8. The operator/licensee 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 the City of Arnold is permitted by ordinance between the hours of 12:00 P.M. and 10:00 P.M. on June 25 through June 30; 12:00 P.M. and 11:00 P.M. on July 1 through July 3; 12:00 P.M. and 12:00 A.M. on July 4; and 12:00 P.M. and 10:00 P.M. on July 5 , and between 9:00 P.M. December 31 to 12:30 A.M. January 1." Violators may be punished by a fine of up to one hundred dollars (\$100.00) for each separate violation."
9. Fireworks stands shall comply with the provisions of the currently adopted Building Code relative to temporary structures. All stands shall be erected in a manner that will reasonably ensure the safety of all occupants, patrons and surrounding property.
10. A minimum three (3) foot wide, unobstructed aisle running the length of the stand, inside and behind the sales counter, shall be provided.

11. Each stand up to twenty-four (24) feet in length must have at least two (2) exits. Each stand in excess of twenty-four (24) feet must have at least three (3) exits. Exit locking devices, if any, shall be easily released from the inside without special knowledge, key or effort.
12. Each stand shall maintain a minimum of one (1) two and five-tenths (2.5) gallon, 2A rated water-pressure type fire extinguisher or ABC minimum 2A:10BC rated fire extinguisher near each exit, and such extinguishers shall be kept in good working order and shall be easily accessible.
13. Signage shall not be subject to the provisions of Chapter 415 but shall meet the following requirements:
 - a. No balloons, searchlights, strobe lights, beacons, inflatable signs are permitted;
 - b. No portable signage or off-premise signage is permitted except as provided herein;
 - c. No signage may be attached to non-commercial vehicles;
 - d. Signage may not extend above or beyond the limits of the primary structure or the commercial vehicle(s) associated with the business;
 - e. All signage must be attached to the primary structure being used for the sale of fireworks or to a commercial vehicle being used as storage or an integral part of the operation;
 - f. No signage may be located in a public right-of-way or on public property; total square footage of all signage viewable from any one (1) angle for one (1) location shall not exceed three hundred (300) square feet;
 - g. When a location does not abut a public right-of-way and does not have direct access from such right-of-way, one (1) off-site, freestanding sign or banner not to exceed thirty-two (32) square feet shall be permitted, provided such sign does not interfere with public safety and is not within the public right-of-way. Such sign shall not contribute to the three hundred (300) square foot signage allowance.
14. Persons under sixteen (16) years of age shall not be employed upon the premises. If any person under eighteen (18) years of age is employed at a location selling fireworks, the location shall be supervised by at least one (1) person over the age of twenty-one (21).
15. No sales of fireworks shall be made to any person under eighteen (18) years of age.
16. Licensees shall not permit smoking or any type of open flames upon the premises and shall prominently post at least two (2) signs prohibiting smoking

in letters not less than four (4) inches in height on a contrasting background on all four (4) sides of said stands or tents.

17. Licensees shall not permit debris, wrappers or papers to accumulate on the premises and dumpsters shall be emptied as necessary to maintain the premises in a clean and orderly manner.
 18. Licensees and employees shall not attract customers by means of flagging of vehicles or engage in any activity which obstructs or interferes with the free flow of traffic upon any street or highway.
- I. All items permitted under Chapter 320, RSMo., except those classified as "1.4G Class C Common Fireworks" by the United States Department of Transportation, may be sold without acquiring a "fireworks stand" license.
 - J. Any license granted hereunder may be suspended and all sales prohibited by the City Clerk and/or his/her designee upon violation of any of the provisions listed in this Section which pose a danger to the public or if any ordinance violation remains uncorrected for twenty-four (24) hours after the licensee has been given notice to correct a violation by the City. If a written request is delivered to the office of the City Administrator within ten (10) days of the suspension, a hearing shall be held within ten (10) days of the receipt of such written request by the City Administrator to determine the existence of the violation and the appropriateness of the suspension. The City Administrator's determination shall be final. Any licensee whose license has been suspended and does not request a hearing before the City Administrator, or whose suspension is upheld by the City Administrator, shall not be licensed in the next succeeding year for fireworks sales.

Section 215.2240 Forfeiture or Termination, Penalty.

The discovery of non-compliance with any requirement of this Article after the issuance of a license may result in the forfeiture or termination of a license and serve as grounds for either denial of a future permit and prosecution under applicable city ordinances, or both.

Section 215.2250 Exempt from Article

- A. Nothing in this Article shall be construed as applying to manufacture, storage, sale or use of signals necessary for safe operation of railroads or other classes of public or private transportation nor applying to the military forces of the United States or this State, or to Peace Officers, nor as prohibiting the sale of blank cartridges for ceremonial, or theatrical, or athletic events or agricultural purposes.

Section 215.2260 through Section 215.2350. (Reserved)''

SECTION 2. Saving clause. That nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any right acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby repealed, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 3. If any part of this Ordinance is found to be unconstitutional, invalid or unenforceable

by a court of competent jurisdiction, such invalidity shall not affect the validity or effectiveness of the remaining provisions of this Ordinance or any part thereof and said Ordinance shall be read as if said invalid provision was struck therefrom and the context thereof changed accordingly with the remainder of the Ordinance to be and remain in full force and effect.

SECTION 4. All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed.

SECTION 5. This ordinance shall be in full force and effect from and after its passage and approval.

READ TWO TIMES, PASSED AND APPROVED ON THIS _____ DAY OF _____ 2021.

Presiding Officer of the Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

First Reading: _____

Second Reading: _____

APPROVED AS TO FORM:

City Attorney Robert Sweeney

City of Arnold
 Department of Parks and Recreation
 Pommer Creek Park
 Mowing Bids Reference Summary

Reference Summary									
Precision Turf									
Imperial, Missouri									
\$4,275/per cut, Estimated \$119,700/per year									
	Years of Service	Acres Mowed	Frequency	Complains	Able to Meet Schedule	Mowing upon Request	Employee Issues	Professional Appearance	Remarks
Reference #1	28		8 7-10 days	None	Yes	Yes	None	Yes	Very professional; Weekend services available
Reference #2	15		6-7 6-7 days	None	Yes	Yes	None	Yes	Very Professional
Reference #3	1		3 As Needed	None	Yes	Yes	None	Yes	Very Professional
Pinnacle Lawn Care									
Fenton, Missouri									
\$2,950/per cut, Estimated \$82,600/per year									
Reference #1	5		14 7-10 days	None	Yes	Yes	Yes	Yes	Complains about not blowing grass clipping; Staffing problems; Weekend services
Reference #2	4		4-5 7-10 Days	Yes	Yes	Yes	Yes	Yes	Staffing problems
Reference #3	1		2 7-10 days	None	Yes	Yes	None	Yes	

