

## CHAPTER 117: FIREWORKS

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### § 117.01 SCOPE.

(A) Fireworks are regulated by M.S. § 624.2, as it may be amended from time to time. In addition to these regulations, all display, sales, storage, and use of consumer fireworks shall comply with this fire regulation.

(B) The City Council ordains the following regulations.

Penalty, see § 117.99

*Ord. #69, adopted 06/12/2002*

### § 117.02 PURPOSE.

Due to the inherent risks of fire and injury to persons and property associated with the sale, possession and use of fireworks, the City Council has determined that it is necessary and in the interest of public health, safety and welfare to establish reasonable regulations concerning fireworks.

*Ord. #69, adopted 06/12/2002*

### § 117.03 DEFINITION.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**CONSUMER FIREWORKS.** Wire or wood sparklers of not more than 100 grams of mixture per item, other sparkling items which are non-explosive and non-aerial and contain 75 grams or less of chemical mixture per tube, or a total of 200 grams or less for multiple tubes, snakes and glow worms, smoke devices or trick noisemakers, which include paper streamers, party poppers, string poppers, snappers and drop pops, each consisting of not more than 0.25 grains of explosive mixture.

*Ord. #69, adopted 06/12/2002*

#### **§ 117.04 SALE OF FIREWORKS.**

- (A) It is unlawful for any person to sell, offer for sale, expose for sale, sell at retail or wholesale, or make any public display of any consumer fireworks in the city without a permit.
- (B) The sale, use and possession of all fireworks in violation of M.S. §§ 624.20 through 624.25 inclusive, as may be amended from time to time, which are adopted herein by reference, is prohibited.

Penalty, see § 117.99

*Ord. #69, adopted 6/12/2002*

#### **§ 117.05 PERMIT APPLICATION.**

The application for the permit for the storage and sale of fireworks shall be made to the Fire Marshal and shall include:

- (A) The application for permit shall be accompanied by a letter from the person legally responsible for the property on which the sale is to take place. This letter shall grant permission to the applicant for the use of the property. The application shall include a floor plan designating the area for storage or display along with a list documenting the name, weight and quantity of fireworks within the building and be accompanied by the material safety data sheets; and
- (B)
  - (1) Applications must be made a minimum of ten days prior to operating. Any permit granted hereunder shall be nontransferable.
  - (2) Prior to the issuance of a permit, the premises must be inspected and approved by the city fire code official.

*Ord. #69, adopted 06/12/2002, Ord. #85, amended 06/22/2005*

**§ 117.06 PERMIT FEE.**

The fee for the permit shall be that as provided in the current city fee schedule.

*Ord. #69, adopted 06/12/2002*

**§ 117.07 TERMS AND CONDITIONS FOR PERMIT ISSUANCE.**

A permit for storage or retail sale of common fireworks shall be issued only upon the following terms and conditions:

- (A) The applicant's location or place of business shall be only in those areas or zones within the city wherein commercial or industrial activities are authorized under the applicable zoning laws of the city. Transient sales of fireworks are not permitted. No sales or storage for commercial use shall occur on residentially zoned property or properties used for educational purposes or assemblies;
- (B) Fireworks storage or sales areas shall provide approved "No Smoking" signs in red letters not less than 2 inches in height on white background. All signs shall be maintained in legible condition;
- (C) Smoking and the discharge of fireworks shall be prohibited within 100 feet of any building or stand in which the fireworks are stored or sold;
- (D) Each permit holder shall have not less than two water-type or equivalent extinguishers of not less than two and one-half gallon capacity;
- (E) There shall be at least two exits from all buildings in which fireworks are stored or sold;
- (F) In buildings without an approved automatic sprinkler system, retail consumer fireworks indoor sales displays shall be limited to 50 pounds net pyrotechnic composition or 200 pounds gross weight, if the pyrotechnic composition weight is not known;
- (G) Buildings protected throughout by an approved automatic sprinkler system shall be limited to 100 pounds net, or 400 pounds gross weight if the pyrotechnic composition weight is not known;
- (H) Warehouse buildings or retail in excess of the quantities listed in divisions (F) and (G) above, for retail consumer fireworks shall be classified as an "H" occupancy with explosives and aerosols;
- (I) The license must be publicly displayed on the licensed premises. The premises are subject to inspection by city employees including police officers during normal business hours;
- (J) Storage for consumer fireworks must be in compliance with the Uniform Fire Code. The premises must be in compliance with the Uniform Fire Code and Uniform Building Code; and/or

(K) Consumer fireworks shall not be sold to persons under the age of 18. Consumer fireworks shall not be used on public property.

Penalty, see § 117.99

*Ord. #69, adopted 06/12/2002, Ord. #85, amended 06/22/2005*

#### **§ 117.08 DISCHARGE RULES AND REGULATIONS.**

- (A) It is unlawful to use, fire or discharge any fireworks along the route of and during any parade or at any place of public assembly or in any commercial use district.
- (B) It is unlawful at any time to throw or toss any fireworks at any person, animal, vehicle or other thing or object.
- (C) Smoking and the discharge of fireworks shall be prohibited within 100 feet of any building or stand in which fireworks are sold at retail or stored after hours.
- (D) Fireworks may only be discharged in an area with a water source connected to a hose or other acceptable means of putting out a fire.
- (E) The Fire Chief may ban fireworks or shorten the season of the fireworks discharge if a drought is evident or any equitable need for safety arises.
- (F) Juveniles may not possess fireworks unless under the direct supervision of a responsible adult.

Penalty, see § 117.99

*Ord. #69, adopted 6/12/2002*

#### **§ 117.09 OTHER REGULATIONS.**

Materials which violate this chapter or state statute and pose a threat to public safety may be confiscated and destroyed. Costs associated with disposal shall be assessed back to the property.

*Ord. #69, adopted 06/12/2002*

#### **§ 117.10 PERMIT DENIAL, SUSPENSION AND REVOCATION.**

The Fire Marshal may suspend or revoke any permit granted herein for a violation of any term of this chapter. Any person whose permit has been suspended or revoked or any person whose permit application has been denied may request a review of that determination by the City Council. The request for review shall be in

writing and filed with the Administrator. The Administrator shall place the review request on the agenda for the next regularly scheduled Council meeting. Upon review, the City Council shall affirm or overrule the initial determination to deny, suspend or revoke.

*Ord. #69, adopted 06/12/2002*

**§ 117.99 PENALTY.**

Violations of these fire rules are misdemeanor offenses requiring a court appearance and punishable by fines up to \$1,000 and/or 90 days in jail.

*Ord. #69, adopted 06/12/2002*