

Subd. 2 Section Deleted. Section 2.105 of the Uniform Fire Code (1979 Edition) is hereby deleted.

900.08 Appeals. Whenever the fire marshal shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the fire marshal to the Council within 30 days from the date of the decision appealed.

900.09 New Materials, Processes or Occupancies Which May Require Permits. The administrator, building inspector, fire chief, and fire marshal of the City shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those now enumerated in said Code.

900.10 Penalties. Any person who shall violate or fail to comply with any of the provisions of this Code, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Council of the City or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified each day that prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

902.01 Governing Regulations

Fireworks are regulated by Minnesota State Statute 624.2. In addition to these regulations all display, sales, storage, and use of consumer fireworks shall comply with this Fire Regulation.

a) 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.

b) Definition.

For purposes of this section, "consumer fireworks" are defined as: Wire or wood sparklers of not more than 100 grams of mixture per item, other sparkling items which are nonexplosive and nonaerial 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 twenty-five hundredths grains of explosive mixture.

c) Sale of Fireworks.

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 of Circle Pines without a permit. The sale, use, and possession of all fireworks in violation of Minn. Stat. Sect. 624.20 through 624.25 inclusive, which are adopted herein by reference, is prohibited.

d) Permit application.

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

- 1) A criminal records check and determination by the Fire Marshall that the location where the fireworks are to be stored or sold is not hazardous to property or endangers any person and that the persons in charge of selling or storing the fireworks are competent and trained to handle such fireworks must be made prior to processing the application.
- 2) The application for permit shall be accompanied by a letter from the person legally responsible for the property on which such sale is to take place. Such letter shall grant permission to the applicant for the use of said 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.

- 3) Applications must be made a minimum of 10 days prior to operating. Any permit granted hereunder shall be nontransferable. Prior to the issuance of a permit, the premises must be inspected and approved by the City fire code official.

e) Permit fee.

The fee for the permit shall be that as provided in the current City Fee Schedule.

f) Terms and conditions for issuance of permit.

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

- 1) Neither the applicant nor the responsible party for the permit shall have been convicted of a felony unless the conviction was discharged pursuant to; or a fire / fireworks-related misdemeanor within the last three (3) years.
- 2) The applicant shall procure and maintain a policy or policies of public general liability, bodily injury and property damage insurance in a company or companies approved by the City in the minimum amount of one million dollars (\$1,000,000) single limit. Certificates of coverage shall be filed with the City Clerk upon application for a retail sales permit.
- 3) 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.
- 4) Fireworks storage or sales areas shall provide approved "no smoking" signs in red letters not less than two (2) inches in height on white background. All signs shall be maintained in legible condition.
- 5) Smoking and the discharge of fireworks shall be prohibited within one hundred (100) feet of any building or stand in which fireworks are stored or sold.

- 6) Each permit holder shall have not less than two (2) water-type or equivalent extinguishers of not less than two and one-half gallon capacity.
 - 7) There shall be at least two (2) exits from all buildings from which fireworks are stored or sold.
 - 8) In buildings without an approved automatic sprinkler system, retail consumer fireworks indoor sales displays shall be limited to fifty (50) pounds net pyrotechnic composition or two hundred (200) pounds gross weight, if the pyrotechnic composition weight is not known.
 - 9) Buildings protected throughout by an approved automatic sprinkler system shall be limited to one hundred (100) pounds net, or four hundred (400) pounds gross weight if the pyrotechnic composition weight is not known.
 - 10) Warehouse buildings or retail in excess of the quantities listed in 4.8 and 4.9 for retail consumer fireworks shall be classified as an "H" occupancy with explosives and aerosols.
 - 11) 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.
 - 12) 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.
 - 13) Consumer fireworks shall not be sold to persons under the age of 18. Consumer fireworks shall not be used on public property.
- g) Fireworks - Discharge rules and regulations.
- 1) 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.
 - 2) It is unlawful at any time to throw or toss any fireworks at any person, animal, vehicle or other thing or object.

- 3) Smoking and the discharge of fireworks shall be prohibited within one hundred (100) feet of any building or stand in which fireworks are sold at retail or stored after hours.
 - 4) 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.
 - 5) 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.
 - 6) Juveniles may not possess fireworks unless under the direct supervision of a responsible adult.
- h) Fireworks - Other.
- 1) Materials, which violate this ordinance 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.
- i) Permit Denial, Suspension and Revocation.
- The fire marshal may suspend or revoke any permit granted herein for a violation of any term of this ordinance. 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. Said request for review shall be in writing and filed with the City Clerk. The City Clerk 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.
- j) Validity.
- The Circle Pines City Council hereby declares that should any section, paragraph, sentence or word of this ordinance or code herein adopted by declared for any reason to be invalid, it is the intent of the Circle Pines Council that they would have passed all other portions of this ordinance independent of any such section as may be declared invalid.

**SECTION 905 - REGULATING
COMMERCIAL AND RESIDENTIAL ALARM SYSTEMS**