

Section 436-Fireworks

Section 436:00. Definitions.

Subd. 1. Fireworks: For the purposes of this section, “fireworks” will have the same definition as contained in Minnesota Statute § 624.20 subd. 1 or any superceding statute.

Section 436:05. Sale and Use of Fireworks Prohibited. It will be unlawful for any person to offer for sale, or use or explode any fireworks, except as otherwise provided.

Section 436:10. Permit Required. No person will sell or possess for sale fireworks without first having obtained an annual permit from the City.

Subd. 1. Application for Aerial Fireworks Display. An application for an aerial fireworks display permit will be made in writing to the City Clerk at least 15 days in advance of the date of the aerial fireworks display. The application will be promptly referred to the Fire Chief.

- (a) Investigation. The Fire Chief will make an investigation to determine whether the operator of the aerial fireworks display is competent and whether the display is of such a character and is to be so located, discharged, or fired that it will not be hazardous to property or endanger any person. The Fire Chief will report the results of this investigation to the City Clerk and if the Fire Chief reports that the operator is competent and that the display as planned will conform to safety requirements, including the rules and regulations of the State Fire Marshal, the City Clerk will issue a permit for the display when the applicant pays a permit fee set forth in Section 520 of this Code. After such permit will have been granted, sales, possession, use and distribution of fireworks for such aerial fireworks display will be lawful for that purpose only. No permit so granted will be transferable.

Subd. 2. Application for Permitted Sales, Use, and/or Possession. An application for a permitted sale, use, and/or possession permit will be made in writing to the City Clerk at least 15 days in advance of the date of the sales or retail display. The application will be promptly referred to the Fire Chief.

- (a) Investigation. The Fire Chief will make an investigation to determine whether the applicant is competent. The Fire Chief will report the results of this investigation to the Clerk and if he reports that in his opinion the applicant is competent and that the permitted sale, use, and/or possession will conform to safety requirements, including the rules and regulations of the State Fire Marshal, the Clerk will issue a permit when the applicant pays a permit fee set forth in Section 520 of this Code. After the permit has been granted, sales, possession, use and/or distribution of fireworks will be lawful. No permit will be transferable.

Subd. 3. The designated Fire Official will give final approval or denial of an application for the manufacture, storage for commercial purposes or sale of fireworks within 30 days of such application being made to the City.

Subd. 4. Permits for permitted use, sale, and/or possession will be issued for the calendar year applied for and will expire on December 31st of that year. Aerial fireworks display permits and sales and retail display permits will be issued for the duration of the event only and expire thereafter.

Subd. 5. Prior to processing the application, a criminal records check may be conducted. Neither the applicant nor the responsible party for the permit will have been convicted of a felony or a fire or fireworks-related misdemeanor within the last three years.

Subd. 6. Prior to processing the application, the designated Fire Official will determine that the proposed location is code compliant.

Subd. 7. The application will include a letter from the person legally responsible for the property on which the fireworks related activity would occur. Such letter will grant permission to the applicant for the use of said property.

Subd. 8. No aerial fireworks display will be conducted unless a permit has first been secured. However, a permit will not be required when the aerial fireworks display is given by a municipality or fair association within its own limits.

Section 436:15. Exceptions and Permitted Sales and Uses.

Subd. 1. Section 436:05 will not be construed to prohibit the sale or uses set forth in any of the following subdivisions.

Subd. 2. Sales at wholesale to those persons holding valid permits for a fireworks display from a governmental subdivision of the State.

Subd. 3. Sales outside the State.

Subd. 4. Any resident wholesaler, dealer, or jobber, from selling at wholesale such fireworks as are not prohibited.

Subd. 5. The sale of any kind of fireworks for shipment directly out of the State.

Subd. 6. The use of fireworks by airplanes and railroads, or other transportation agencies for signal purposes or illumination.

Subd. 7. The sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations.

Subd. 8. Supervised public displays of fireworks by cities, villages, and fair associations, amusement parks, and other organizations, when granted a permit and conducted as provided by this section.

Section 436:20. Regulations.

Subd. 1. No person will sell or store consumer fireworks within 50 feet of any fuel dispensing apparatus unless the total aggregate quantities of consumer fireworks are below the exempt amounts listed within Chapter 7 of NFPA 1124 *Code for the Manufacture, Transportation, Storage and Retail Sales of Fireworks and Pyrotechnic Articles*®, 2003 Edition within an approved structure or building. Consumer fireworks sales and retail display will be limited to mercantile occupancies as defined in NFPA 10, *Life Safety Code*®. No person will construct a retail display nor offer for sale explosives, explosive materials, or fireworks upon highways, sidewalks, public property, or in assembly or educational occupancies. The designated Fire Official will determine compliance.

Subd. 2. It will be unlawful for any seller of any fireworks to permit smoking at any site containing fireworks. “No Smoking” signs must be conspicuously posted and approved fire extinguishers must be available for use.

Subd. 3. Exempt amounts: The requirement of Chapter 7 of NFPA 1124® will not apply to consumer fireworks retail sales facilities or stores where the total quantity of consumer fireworks on hand does not exceed 56.8 kg [125lb (net)] of pyrotechnic composition or, in a building protected throughout with an approved automatic sprinkler system installed accordance with NFPA 12 *Standard for the installation of sprinkler systems*® 113.6 kg [250lb (net)] of pyrotechnic composition. Where the actual weight of the pyrotechnic composition of consumer fireworks is not known, 25 percent of the gross weight of the consumer fireworks, including packaging, will be used to determine the weight of the pyrotechnic composition. Amounts in excess of the exempt amounts will be required to comply with NFPA 1124®.

Subd. 4. The requirements of this ordinance are in addition to any requirements imposed by any building and zoning regulations, fire codes or state law.

Subd. 5. Only persons 18 years of age or older may purchase fireworks and the age of the purchaser must be verified by photographic identification.

Subd. 6. Exterior storage, retail display, sales or transient sales of fireworks may be permitted subject to a site plan review. Site plans will be submitted for review and approval a minimum of 30 days before display. Approved minimum separation distances in compliance with table 7.7.2 of NFPA 1124® will be provided from the exterior display to adjacent buildings, combustibles or flammable liquids. No manufacturing, sales or storage for commercial purposes will occur on residentially zoned property or within 100’ thereof.

Subd. 7. A list of all consumer fireworks displayed for sale and stored on the property will be available at all times. The list will document the name, weight and quantity of the fireworks and be accompanied by the material safety data sheets.

Subd. 8. Manufacturing, warehouse buildings, or sales displays in *excess* of the quantities listed in Subd. 3 for retail consumer fireworks will be classified as defined in the Building Code and where applicable, subject to the requirement of NFPA 24® and the current edition of the Minnesota State Fire Code.

Subd. 9. A handout describing fireworks use, safety and warnings will be provided to each consumer purchasing fireworks by the retailer.

Section 436:25. Use and Possession.

Subd. 1. It is unlawful to use, fire or discharge any fireworks along the route of and during any parade, in any place of public assembly, on any public property or in any commercial/industrial zoning district.

Subd. 2. It is unlawful at any time to throw, toss or aim any fireworks at any person, animal, vehicle or other thing or object or used in any manner that may threaten or cause possible harm to life or property.

Subd. 3. The discharge of fireworks will be prohibited inside a building and within fifteen (15) feet of any building.

Subd. 4. The Fire Official may ban fireworks if dry or windy conditions exist.

Subd. 5. Juveniles may not possess fireworks unless under the direct supervision of a responsible adult.

Subd. 6. Fireworks will not be discharged in such a manner that may create a nuisance nor between the hours of 12:00 a.m. to 7:00 a.m. Fireworks use will also be subject to any additional ordinances such as noise and/or assembly.

Section 436:30. Officers May Seize Illegal Fireworks. The State Fire Marshal, or any sheriff, police officer, or local fire official, will seize, take, remove, or cause to be removed, at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored, or held in violation of Sections 436:00 et seq.

Section 436:35. Penalties.

Subd. 1. Materials that violate and/or pose a threat to public safety will be confiscated and destroyed. Costs associated with disposal will be assessed back to the property owner or permit holder.

Subd. 2. Violations of this regulation, city ordinance or state statute may result in revocation of the permit.

Subd. 3. Any violation of Section 436 is a misdemeanor.