

Chapter 8.12

Regulating The Display, Sales, Storage, And Use Of Consumer Fireworks

Section 1. Storage and Sale of Fireworks.

Subdivision 1. Fireworks are regulated by Minnesota Statutes §624.20 - 624.25. In addition to these state laws, all display, sales, storage, and use of fireworks shall comply with this Section.

Subdivision 2. No person shall do any of the following without obtaining a permit:

- (A) Store or sell any fireworks;
- (B) Make a public display of fireworks.

Subdivision 3. The application for a permit to store or sell fireworks shall be made to the City Administrator. A criminal record check of all applicants will be performed. The fire chief or his/her designee will inspect the proposed location for selling and/or storing fireworks to determine if it is a suitable location. The fire chief or his/her designee will also determine if the applicant is competent and trained to handle fireworks.

The application for a permit must include:

- (A) A letter from the property owner granting permission to the applicant to sell and/or store fireworks on the property.
- (B) A floor plan designating the area where the fireworks will be sold and/or stored.
- (C) A list of fireworks that will be sold. The list must include the name, weight and quantity of the fireworks, and Tier II Material Safety Data Sheets.

Subdivision 4. The fee for the permit shall be in the amount determined by City Council resolution.

Subdivision 5. A permit for the storage and/or retail sale of fireworks shall be issued only upon the following terms and conditions:

- (A) The applicant shall not have been convicted of a “crime of violence” as defined by MN STAT §624.712, Subd. 5 or any fire/fireworks related crime within the last 5 years.
- (B) The sale of fireworks shall occur only on property located in commercial zones. No sale of fireworks shall occur on property zoned residential, or properties used for educational purposes or assemblies. No sale of fireworks shall occur on required parking areas for permanent commercial

structures.

- (C) The storage and/or retail sales of fireworks in a non-permanent structure shall be conducted in compliance with Chapter 17 of the City Code except as otherwise provided herein.
- (D) Fireworks sales and/or storage areas shall have “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. Signage must be approved by the fire chief or his/her designee.
- (E) The discharge of fireworks shall be prohibited within one hundred (100) feet of any location in which fireworks are being sold or stored.
- (F) Each permit holder shall have at least two (2) water-type or equivalent fire extinguishers of not less than two and one-half gallon capacity in the area where fireworks are sold or stored.
- (G) There shall be at least two (2) exits from all buildings where fireworks are sold or stored.
- (H) In buildings without an approved automatic sprinkler system, fireworks sales displays and/or storage shall be limited to fifty (50) lbs. net pyrotechnic composition or two hundred (200) lbs. gross weight, if the pyrotechnic composition weight is not known.
- (I) In buildings with an approved automatic sprinkler system, fireworks sales displays and/or storage shall be limited to one hundred (100) lbs. net pyrotechnic composition or four hundred (400) lbs. gross weight, if the pyrotechnic composition weight is not known.
- (J) A list of all fireworks displayed for sale and stored on the property must be posted in a conspicuous location near the display/storage area. The list shall include the name, weight, and quantity of the fireworks and be accompanied by the Tier II Material Safety Data Sheets. Upon request, samples of the fireworks shall be made available to the fire chief or his/her designee for testing.
- (K) A permit granted pursuant to this section is not transferable. It is valid only for the calendar year in which it is issued.

Subdivision 6. It shall be unlawful to do any of the following:

- (A) To use or discharge any fireworks along a parade route prior to, during, or after any parade, or at any place of public assembly, park, or government property except such discharge of fireworks as may be permitted in connection with an officially sanctioned public celebration

- or event.
- (B) To throw or toss any fireworks at any person, animal, vehicle, or other thing or object.
 - (C) To discharge fireworks within one hundred (100) feet of any building in which fireworks are sold or stored.
 - (D) To discharge fireworks in an area without a water source connected to a hose, fire extinguisher, and/or other means of putting out a fire that is acceptable to the fire chief or his/her designee.
 - (E) The fire chief or his/her designee may ban fireworks for any period of time for any public safety reason.
 - (F) To sell, distribute or furnish any permitted consumer fireworks to a person under the age of eighteen (18) years, any person who is obviously intoxicated, chemically impaired or incompetent, or any person who fails to present competent age identification in the form of a current, valid Minnesota driver's license, current, valid Minnesota identification card, or current, valid photo driver's license or photo identification issued by another state.

Subdivision 7. In addition, the City Council may suspend or revoke a permit issued pursuant to this Section on any of the following grounds:

- (A) Fraud, misrepresentation, or false statement contained in a license application or a renewal application.
- (B) Fraud, misrepresentation, or false statement made in the course of carrying on the permitted activity.
- (C) Any violation of this section or state law.
- (D) Conducting the permitted activity in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the community.
- (E) Any significant unauthorized deviation, enlargement or alteration of the approved site plan for the storage and sales display areas of the premises.

Subdivision 8. All signage used or employed in connection with the display, sale, storage and use of fireworks shall be in strict conformance with the provisions of Section ____ of the City Zoning Code and shall be approved by the Zoning Administrator.

Subdivision 9. A violation of this section is a misdemeanor. Fireworks materials that

are kept, possessed or stored in violation of state statutes or of this section may be confiscated and destroyed. The costs associated with disposal shall be paid by the violator and/or be assessed back to the property on which the fireworks are being stored, displayed or sold.

Section 2. Penalties. Any person convicted of violating any of the provisions of this ordinance shall be guilty of a misdemeanor.