

Chapter 650 - Fireworks

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

- (A) “Fireworks” will have the same definition as contained in M.S. §624.20; that being:
- (1) The term “fireworks” means any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and includes blank cartridges, toy cannons and toy canes in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, Roman candles, daygo bombs, sparklers other than those specified in division (A)(3) below, or other fireworks of like construction, and any fireworks containing any explosive or inflammable compound, or any tablets or other device containing any explosive substance and commonly used as fireworks.
 - (2) The term “fireworks” shall not include toy pistols, toy guns, in which paper caps containing 25/100 grains or less of explosive compound are used and toy pistol caps which contain less than 20/100 grains of explosive mixture.
 - (3) The term also does not include 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 twenty-five hundredths grains of explosive mixture. The use of items listed in this paragraph is not permitted on public property. This paragraph does not authorize the purchase of items listed in it by persons younger than 18 years of age. The age of a purchaser of items listed in this paragraph must be verified by photographic identification.
 - (4) The term “explosive fireworks” means any fireworks that contain pyrotechnic or flash powder, gunpowder, black powder or any other explosive compound constructed to produce detonation or deflagration.

650.02 Permit Required. No person shall sell or possess for sale fireworks without first having an annual permit from the city.

- (A) The designated Fire Official shall 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.
- (B) Permits shall be issued for the calendar year applied for and shall be issued on May

1st.

- (C) Prior to processing the application, a criminal records check may be conducted. Neither the applicant nor the responsible party for the permit shall have been convicted of a felony or a fire or fireworks-related misdemeanor within the last three years.
- (D) Prior to processing the application, the designated Fire Official shall determine that the proposed location is code compliant.
- (E) The applicant shall include a letter from the person legally responsible for the property on which the fireworks related activity would occur. The letter shall grant permission to the applicant for the use of the property.

650.03 Sales and Storage of Fireworks.

- (A) No person shall sell or store fireworks within 100 feet of any fuel dispensing apparatus. Fireworks sales and display shall not be permitted within malls, within buildings where alcohol is sold, and within assembly areas such as halls, theaters, churches or schools. The designated Fire Official shall determine compliance.
- (B) It shall 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 and fire extinguishers must be available for use.
- (C) In buildings that do not have an approved automated sprinkling system, retail sales displays of fireworks shall be limited to a gross weight of 400 pounds of fireworks and packaging. In buildings that do contain an approved automated sprinkling system, the amount of fireworks contained in retail sales displays shall be a maximum of 1,000 gross pounds of fireworks and packaging.
- (D) The requirements of this chapter are in addition to any requirements imposed by any building and zoning regulations, fire codes or state law.
- (E) Only persons 18 years of age or older may purchase fireworks and the age of the purchaser must be verified by photographic identification.
- (F) Exterior storage, display, sales or transient sales of fireworks are permitted subject to a site plan review. Site plans shall be submitted for review and approval a minimum of 30 days before display. A distance of 100 feet shall be provided from the exterior display to adjacent buildings, combustibles or flammable liquids. No manufacturing, sales or storage for commercial purposes shall occur on residentially zoned property or properties used for educational purposes or assemblies.
- (G) A list of all consumer fireworks displayed for sale and stored on the property shall be available at all times. The list shall document the name, weight and quantity of the fireworks and be accompanied by the material safety data sheets.

- (H) Manufacturing, warehouse buildings or sale displays in excess of the quantities listed in division (C) above for retail consumer fireworks shall be classified as an H occupancy as defined in the Building Code and protected as such, similar to explosives and aerosols and in accordance with Explosives Article 77 of the Fire Code.
- (I) A handout describing fireworks shall be provided to each consumer purchasing fireworks.

650.04 Use and Possession.

- (A) 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, except as provided in § 650.05, in accordance with M.S. §§ 624.2 through 624.25.
- (B) It is unlawful at any time to throw, toss or aim any fireworks at any person, animal, vehicles or other thing or object, or used in any manner that may threaten or cause possible harm to life or property.
- (C) The discharge of fireworks shall be prohibited inside a building and within 15 feet of any building.
- (D) The Fire Official may ban fireworks if dry or windy conditions occur.
- (E) Juveniles may not possess fireworks unless under the direct supervision of a responsible adult.
- (F) Fireworks may 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 shall also be subject to any additional ordinances such as noise and/or assembly.

650.05 Fireworks Displays.

- (A) Fireworks displays by the city, Fair Association or other organizations, are allowed in accordance with M.S. §624.2 through 624.25.
 - (1) A fireworks display may be conducted only when supervised by an operator certified by the state's Fire Marshal.
 - (2) An application for a permit must be made in writing to the Municipal Clerk at least 15 days in advance of the date of the display.
 - (3) After a permit has been granted, sales, possession, use and distribution of fireworks for a display are lawful for that purpose only. A permit is not transferable.

650.99 Penalties.

- (A) Materials that violate and/or pose a threat to public safety may be confiscated and destroyed. Costs associated with disposal shall be assessed back to the property owner or permit holder.
- (B) Violations of this chapter or state statute may result in revocation of the permit.
- (C) Any person violating the provisions of this chapter shall be guilty of a misdemeanor. Each incident shall be a separate violation.