

## CHAPTER 10

### FIREWORKS REGULATIONS

#### SECTION:

- 4-10-1: Definitions
- 4-10-2: Permit Required
- 4-10-3: Sales and Storage of Fireworks
- 4-10-4: Use and Possession
- 4-10-5: Pyrotechnics
- 4-10-6: Penalties

#### 4-10-1 DEFINITIONS:

- A. Fireworks. For the purposes of this section, fireworks will have the same definition as contained in Minnesota Statute Section 624.20 Subd. 1 or any superceding statute.

#### 4-10-2 PERMIT REQUIRED: No person shall sell or possess for sale fireworks without first having obtained an annual permit from the City.

- A. Permit fee. The permit cannot be granted until the sponsor pays the permit fee, if any, established by the city through resolution
- B. The designated Fire Inspector 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.
- C. Upon the successful inspection of the premise, permits shall be issued for the calendar year applied for and shall be issued on June 1<sup>st</sup>.
- D. Prior to processing the application, 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 (3) years.
- E. Prior to processing the application, the designated Fire Inspector shall determine that the proposed location is code compliant.
- F. The application shall include a letter from the person legally responsible for the property on which the fireworks related activity would occur. This may include both a tenant and property owner. Such letter shall grant permission to the applicant of said property.

#### 4-10-3 SALES AND STORAGE OF FIREWORKS:

- A. No person shall sell or store consumer fireworks on the exterior portion of a building located within ~~400~~ 50 feet of any fuel dispensing apparatus unless the total aggregate quantities of consumer fireworks are below the exempt amounts listed in Chapter 7 of NFPA 1124 *Code for the Manufacture, Transportation, Storage and Retail Sales of Fireworks and Pyrotechnic Articles*®, 2003 addition. Consumer Firework sales and displays shall be limited to mercantile occupancies as defined in NFPA 101, *Life Safety Code*®. No person shall construct a retail display nor offer for sale explosive materials, or fireworks upon highways, sidewalks, public property, or in assembly or educational occupancies. The designated Fire Inspector shall determine compliance.

- B. It shall be unlawful for any seller of any fireworks to permit smoking at any site containing fireworks, except in designated smoking areas. No Smoking signs must be conspicuously posted and approved fire extinguishers must be available for use.
- C. Exempt amounts: The requirements of NFPA 1124® shall 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 in accordance with NFPA 13, *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, shall be permitted to be used to determine the weight of the pyrotechnic composition. Amounts in excess of the exempt amounts shall be required to comply with NFPA 1124®.
- D. The requirements of this ordinance 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. Display, sales or transient sales of fireworks are permitted subject to a conditional use permit according to section provided in this code. Approved minimum separation distances in compliance with table 7.7.2. of NFPA 1124® 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 within 100' thereof.
- G. A list of 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 sales displays in excess of the quantities listed in (C) for retail consumer fireworks shall be classified as defined in the Building Code and where applicable, subject to the requirements of NFPA 1124® and the current edition of the Minnesota State Fire Code.
- I. A handout created by the applicant describing fireworks use, safety and warnings shall be provided to each consumer purchasing fireworks by the retailer.

**4-10-4 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.
- B. 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.
- 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 shall not be discharged in such a manner that may create a nuisance nor between the hours of 11 pm and 7 am. Fireworks use shall be also subject to any additional ordinances such as noise and/or assembly.
- G. Officers may seize illegal fireworks. The State Fire Marshal, or any Sheriff, Police Officer, Constable, or local Fire Official, shall 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 this ordinance.

#### 4-10-5 PYROTECHNICS:

- A. Permits: The City of Sartell is authorized by state law to conduct a fireworks display within its own limits without a permit. Amusement parks and other organizations must obtain a permit approval from the City Council, prior to conducting such a display. The City Administrator and fire department will review before issuing the permit. A licensed operator, however, must still conduct all displays. There is no exemption for fire departments that would allow the fire department to conduct the display without a licensed operator.
- B. Application timeframe: A permit must be secured from the City Council prior to conducting a fireworks display. The sponsor of the proposed display must submit a written application for permit to the City Administrator at least 30 days in advance of the date of the display.
- C. Restrictions on sponsors: Fireworks displays are only allowed to be sponsored by a city, fair association, amusement park or other public or private organization. A public organization might be, for example, a county, township or other public entity. Examples of private organizations might include churches, fraternal organizations (e.g. Eagles, Elks, Legion Clubs, etc.), community based festivals, businesses, companies, lake associations and private colleges.  
  
State law prohibits private individuals from sponsoring fireworks displays. A fireworks display company may sponsor displays for private parties.
- D. Application form: The sponsor must, as a minimum, provide the following information to the City Administrator in writing when applying for a permit approval to conduct a fireworks display:
  - 1. The name of the organization sponsoring the fireworks display, including the name, address and phone number of a contact person representing that organization. Permits are not transferable.
  - 2. The name and certification number of the pyrotechnic operator that will be supervising the display.
  - 3. The date, time of day and exact location of the proposed display.
  - 4. A diagram of the grounds where the display will be held. The diagram must show the point at which the fireworks are to be discharged; the location of all buildings, highways, streets, communication lines and other possible overhead obstructions; and the lines behind which the audience will be restrained. For

proximate audience displays, the diagram must also show the fallout radius for each pyrotechnic device used during the display. AT NO TIME WILL INDOOR DISPLAYS BE ALLOWED OR APPROVED.

5. The approximate number and types of fireworks and/or pyrotechnic special effects materials to be discharged.

For proximate audience displays, the fire chief must approve any changes adding fireworks or pyrotechnic special effects different from those described in the initial application in advance. Unless otherwise acceptable to the fire chief and/or fire inspector, all requests for changes must be submitted at least 24 hours prior to the display.

6. The number, names and ages of all assistants that will be present for the display. All assistants must be at least 18 years old. All assistants must be recorded on the display report. To be able to claim experience credit for working at a display, assistants must be recorded on the display report.

7. Proof of a bond or certificate of insurance in an amount deemed appropriate by the city for the payment of damages that could be caused either to persons or property as a result of the display and arising from acts of the sponsor or the pyrotechnic operator or their agents, employees or subcontractors. In addition the sponsor will need to agree to pay all costs incurred as a result of having representatives of the Fire Department and/or equipment in attendance at any fireworks display.

- E. Permit fee: The permit cannot be granted until the sponsor pays the permit fee, if any, established by the city through resolution. The City Council may reduce or waive permit fees for community based events and festivals.
- F. Upon receipt of an application for permit, the City Administrator must promptly refer the application to the chief of the local fire department and Fire Inspector for review. If, after conducting an appropriate investigation, the fire chief and/or fire inspector and City Administrator will present the request to the City Council for review and approval.
- G. Upon being notified by the City Administrator of an application for permit, the fire chief and/or fire inspector must conduct an investigation to determine the following:
  - 1. That the operator of the display is competent and certified by the State Fire Marshal.
  - 2. That the display is of such character and is to be so located, discharged or fired that it will not be hazardous to property or endanger any person. In addition to reviewing the diagram of the display area submitted with the permit application, the fire chief and/or fire inspector may want to:
    - a. Inspect the areas selected for the discharge site, spectator-viewing area, parking areas and designated landing (fallout) area.
    - b. For proximate audience displays request a walk-through and representative demonstration of the pyrotechnic special effects as a condition of approval for the issuance of a permit.
    - c. Request a written plan outlining: the manner and location of storage of fireworks both prior to delivery to the display site and at the display site, what type of fire protection (e.g. portable fire extinguishers,

standby apparatus/personnel) will be provided at the discharge site, and what provisions will be made for crowd control.

- H. 1. The Fire Chief and/or Fire Inspector may ban fireworks if dry or windy conditions occur.
- 2. Fireworks may not discharge in such a manner that may create a nuisance nor between the hours of 11 pm and 7 am. Fireworks use shall be also subject to any additional ordinances such as noise and/or assembly.

4-10-6

**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 owners or permit holder.
- B. Violations of this regulation, city ordinance or state statute may result in revocation of the permit.
- C. Violations of these fire rules are misdemeanor offenses punishable by fines up to \$1000 and/or 90 days in jail.