

## ARTICLE V. FIREWORKS

### DIVISION 1. GENERALLY

#### **Sec. 38-231. Purpose.**

The purpose of this article is to regulate the sale of permitted consumer fireworks as described in Minn. Stats. § 624.20, in order to protect the health, safety and welfare of the general public.

(Ord. No. 04-2008, § 906.05, 3-25-2008)

#### **Secs. 38-232—38-250. Reserved.**

### DIVISION 2. LICENSE

#### **Sec. 38-251. Sale of fireworks.**

It is unlawful to sell fireworks in the city in violation of Minn. Stats. §§ 624.20—624.25, inclusive, which are adopted by reference. The term "consumer fireworks" as defined in this article may, however, be sold upon issuance of a license by the city.

(Ord. No. 04-2008, § 906.10, 3-25-2008)

#### **Sec. 38-252. Application.**

(a) Each applicant shall file a written and signed application, on a form prepared by the city. Such application shall describe the specific location where, the days when, and the hours during which the applicant intends to offer for sale, expose for sale, or sell at retail any consumer fireworks, and such other pertinent information as the city may deem necessary to enable it to carry out the provisions of this article. No license shall be issued unless the application has been approved by the planning department as meeting the city's zoning regulations, by the Fire Department as meeting the requirements of National Fire Protection Association Standard 1124 (2003 edition), and by the Police Department as meeting the requirements of any other state or local laws.

(b) The application shall contain and the applicant shall provide, at a minimum, the following information:

- (1) Applicant's name, address, phone number, and date of birth;
- (2) The address and phone number of the sale site;
- (3) The dates of actual sale of consumer fireworks;
- (4) The type and quantity, in pounds, of the specific type of fireworks to be at the sale site;
- (5) A statement that applicant understands what constitutes consumer fireworks and what are illegal under state law.

(c) The applicant shall file with the application, evidence that the applicant has liability insurance coverage in an amount of \$1,000,000.00 per occurrence and \$2,000,000.00 as an annual aggregate limit to cover the licensee's negligent acts relative to the sale, possession or use of consumer fireworks. Such insurance shall indicate that the city shall receive notice at least 30 days prior to the cancellation or termination of the coverage. Any license issued under the authority of this article shall immediately terminate upon the cancellation or termination of the insurance coverage required herein.

(Ord. No. 04-2008, § 906.20, 3-25-2008)

**Sec. 38-253. Processing application.**

The application must be filed with the City Clerk together with the permit and inspection fees. Following an inspection of the premises proposed to be licensed, the city shall issue the permit if the conditions for the license approval are satisfied and the location is properly zoned. If the city denies the permit application, the permit applicant may, within ten days, appeal the decision to the City Council.

(Ord. No. 04-2008, § 906.25, 3-25-2008)

**Sec. 38-254. Issuance.**

The city shall grant a consumer fireworks license to an applicant who complies with the provisions of this article and provides a completed application, license and inspection fees as specified by the city, approved inspection report by the fire marshal, and proof of insurance. A license is an annual license, which shall expire on December 31 of the year of issuance. The license fee shall not be prorated.

(Ord. No. 04-2008, § 906.30, 3-25-2008)

**Sec. 38-255. Conditions.**

A license to sell consumer fireworks shall be issued subject to the following conditions:

- (1) The license is nontransferable, either to a different person or location.
- (2) The license must be publicly displayed at the licensed premises.
- (3) The premises are subject to inspection by the city Police and Fire Departments at any time when the licensee is engaged in selling or displaying fireworks for sale, to inspect the premises to determine compliance with this article. The licensee must discontinue selling or displaying fireworks for sale until compliance with all provisions of this article, the city fire prevention code, and any other state or federal regulations are met.
- (4) No signs, banners, pennants, or any other form of advertising shall be displayed unless in compliance with chapter 119, pertaining to signs. All permits required by chapter 119, pertaining to signs, shall be obtained.
- (5) Storage and display for sale of consumer fireworks on the premises must be in compliance with the National Fire Protection Association Standard 1124, 2003 edition, which is incorporated herein by reference.
- (6) No person shall sell consumer fireworks to a person younger than 18 years of age. Licensee and licensee's employees selling fireworks must be at least 18 years of age. Vendors of legal fireworks must verify the age of the purchaser by the use of photographic identification.

(Ord. No. 04-2008, § 906.35, 3-25-2008; Ord. No. 06-2008, 5-24-2008)

**Sec. 38-256. Revocation.**

Following written notice and an opportunity for a hearing, the City Manager may revoke a license for violation of this article or state statute concerning the sale, use or possession of fireworks. If a license is revoked, neither the applicant nor the licensed premises may obtain a license for 12 months.

(Ord. No. 04-2008, § 906.40, 3-25-2008)