

CHAPTER 120 FIREWORKS

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§ 120.01 PURPOSE.

Due to the inherent risks of fire and injury to persons and property associated with the sale, possession, and display of fireworks, the City Council of Lake City has determined that it is necessary and in the interest of the public health, safety, and welfare to establish reasonable regulations concerning fireworks.

§ 120.02 NON-CONSUMER FIREWORKS

“*NON-CONSUMER FIREWORKS*” means the items defined as “fireworks” in Minnesota Statutes Section 624.20.

§120.03 NON-CONSUMER FIREWORKS PROHIBITED

Except as otherwise provided by Minnesota Statutes, Sections 624.20 to 624.25, no person shall offer for sale, expose for sale, sell at retail or wholesale, possess, advertise, use, or explode any non-consumer fireworks.

§ 120.04 LICENSE REQUIRED FOR CONSUMER FIREWORKS

No person shall offer for sale, expose for sale, sell at retail or wholesale, or advertise for the sale of any consumer fireworks unless such person first obtains a license to be issued by the city council in the manner hereinafter prescribed, and unless such person complies with the provisions of this section and the terms and conditions prescribed in such license.

§ 120.05 APPLICATION FOR CONSUMER FIREWORKS LICENSE

(A) *Written Application Required.* Each applicant for a consumer fireworks license shall file a written and signed application, on a form prepared by the city clerk. Such application shall describe the specific location where, the day or days when, and the hour or hours during which the applicant intends to offer for sale, expose for sale, or sell at retail or

wholesale any consumer fireworks, and such other pertinent information as the council may deem necessary to enable it to carry out the provisions of this section. No license shall be issued unless the application has been approved by the fire department as meeting the requirements of the adopted city fire code, and by the police department as meeting the requirements of any other state or local laws.

(B) *Application Requirements.* The consumer fireworks license application shall contain and the applicant shall provide, at a minimum, the following information:

- (1) The applicant's full name, address, phone number, and date of birth;
- (2) The address and phone number for the sale site;
- (3) Verification that there shall be at least two code compliant exits from all buildings from which consumer fireworks are stored or sold;
- (4) The duration of the permit;
- (5) The type and quantity, in pounds, of the specific type of consumer fireworks to be at the sale site;
- (6) A statement that applicant understands that persons selling and purchasing consumer fireworks must be at least 18 years of age;
- (7) A statement that applicant understands what constitutes "consumer fireworks;" and
- (8) A complete description and drawing showing exactly where the consumer fireworks are going to be placed for retail sale and where and how they will be stored.

(C) *Liability Coverage Required.* The applicant shall file with the application evidence that the applicant has liability insurance coverage in an amount of \$1,500,000 per occurrence to cover the applicant's negligent acts relative to the sale, possession, storage, or use of consumer fireworks. Such insurance shall indicate that the city shall receive notice at least 30 calendar days prior to the cancellation or termination of the coverage. Any license issued under the authority of this section shall immediately terminate upon the cancellation or termination of the insurance coverage required herein.

§ 120.06 ISSUANCE OF CONSUMER FIREWORKS LICENSE

(A) *Terms.* The council shall grant a consumer fireworks license to an applicant who complies with the provisions of this section and provides a completed application with appropriate approvals and proof of insurance, unless the applicant or designated location has been the subject of prior violations of this section, in the same year of issuance. A license is an annual license, which shall expire on December 31 of the year of issuance. The license fee as

set by the city's fee schedule shall accompany the application. The license fee shall not be prorated.

- (1) Each license issued pursuant to this section shall describe the specific location in which such sales are authorized to take place, the dates and times in which sales may occur at such location, and maximum gross weight of consumer fireworks that may be kept on the premises, relevant licensee data, and such other terms and conditions as may be necessary for the proper enforcement of this section.
- (2) No person shall sell consumer fireworks to a person younger than 18 years of age. The licensee and licensee's employees selling consumer fireworks must be at least 18 years of age. Vendors of consumer fireworks must verify the age of purchaser by the use of photographic identification.
- (3) The licensee must prominently post the license at all times at the location where the consumer fireworks are being offered for sale.
- (4) The licensee must keep at least two half gallon water type portable fire extinguishers, or other approved means of extinguishing a fire, at the approved location where the consumer fireworks are being offered for sale and where they are stored at times when they are not offered for sale.
- (5) The licensee must prominently post at least two approved "No Smoking" signs at the location where the consumer fireworks are being offered for sale and where they are stored at times when they are not offered for sale.
- (6) No signs, banners, pennants, or any other forms of advertising shall be displayed unless in compliance with the city's sign regulations. All permits required by the city's sign regulations must be obtained, if required.

§ 120.07 FIREWORKS DISPLAYS

(A) *Permit Required for Display of Fireworks.* The display of fireworks, other than consumer fireworks, may be conducted only upon the issuance of a permit from the city for that purpose.

(B) *Application Fee.* The application for a display permit must be on forms prepared by the city clerk and must be made at least 15 calendar days in advance of the date of the display. The display permit fee that is set forth in the city's fee schedule, must accompany the application. If the application is denied, the fee will be refunded less the expenses incurred by the city in investigation and review of the application.

(C) *Eligibility.* Display permits will be issued only to entities that are permitted to hold such permits pursuant to Minnesota Statutes Section 624.22.

(D) *Investigation.* The completed application will be promptly referred to the fire chief and the police chief who shall make an investigation to determine whether the operator of the display is competent and is certified by the state fire marshal, 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.

(E) *Issuance/Denial/Transferability.* The city clerk will issue the permit if the fire chief and police chief reports determine that the operator is competent and certified by the state fire marshal; 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; and the applicant has furnished evidence of comprehensive general liability insurance in an amount customarily recommended for such events.

If the report of the fire chief does not contain all such determinations, or if the evidence of insurance is not sufficient, the city clerk will notify the applicant in writing of the denial and the reasons for the denial. The city clerk will also promptly refund the application fee. After a permit has been granted, the possession, use and distribution of fireworks for a display are lawful for that purpose only. A permit is not transferable.

(F) *Scope of Display.* The display permit only authorizes a display that is in conformity with the information contained in the approved application including, without limitation, the date, time, location, direction, nature of the fireworks used in the display, and the operator.

§ 120.08 SPECIAL RESTRICTIONS

(A) *Use of Consumer Fireworks.* No person shall set off, ignite or explode consumer fireworks on public property or within 15 feet of any building. No indoor, proximate audience displays or special effects fireworks shows shall be allowed in the City. It is unlawful to throw, toss or aim any fireworks at any person, animal, vehicle or other thing or object or be used in any manner that may threaten or cause any possible harm to life or damage of property. Consumer fireworks may not be discharged in such a manner that may create a nuisance or between the hours of 10:00 p.m. to 7:00 a.m.

(B) *Special Effect Shows.* All outdoor special effects shows will require a license from the city and a review of plans and site inspection by the fire and police departments.

(C) *Sales in Retail Buildings.* In buildings that have an automatic sprinkling system, consumer fireworks shall be limited to a gross weight of 400 pounds. In buildings that do not contain an automated sprinkling system, the amount of consumer fireworks contained in retail sales displays shall be determined by the fire chief on a case-by-case basis after considering the building's construction, fire suppression apparatus, and other relevant factors. Gross weight permitted by any license shall be shown on the license.

§ 120.09 VIOLATIONS

Any person who violates the provisions of this section shall be guilty of a misdemeanor. The city council may revoke or suspend a license or permit, following a hearing on such violation. The city council may also consider such violation in reviewing any application for license or permit for any year following the year of the violation.

§ 120.10 APPLICATION OF OTHER LAWS

Nothing in this section shall be deemed to make lawful the sale or use of any type of fireworks when such sale or use is prohibited by state law.

§ 120.11 INSPECTIONS; TERMINATION UNTIL COMPLIANCE GRANTED

Officers of the city’s police department and members of the city’s fire department may, at any time when licensee is engaged in selling or displaying consumer fireworks for sale, inspect the premises to determine compliance with this chapter. The licensee must discontinue selling or displaying fireworks for sale until there is compliance with all provisions of this chapter, the fire code, state statutes, and any other state or federal regulations.

(Ord. No. ____ adopted _____, 2014)