

## CHAPTER 22. LICENSING; BUSINESSES & SERVICES

### ARTICLE IX.      Fireworks

#### **Section 22-447.      Purpose and Intent.**

Due to the inherent risks of fire and injury to persons and property associated with the sale, possession and use of fireworks, the City Council has determined that it is necessary and in the interest of public health, safety and welfare to establish reasonable regulations concerning fireworks. The City Council makes the following findings regarding the need to license and regulate the sale, distribution, storage and display of fireworks permitted under State law:

- (a)      Consumer fireworks contain pyrotechnic chemical compositions that are combustible; accordingly, the unregulated accumulation, storage, display and sale of these items present fire safety hazards; and
- (b)      The improper disposal of consumer fireworks presents environmental hazards; and
- (c)      Due to their short-term and mobile nature, it is more difficult and demanding of public safety resources and City staff to enforce compliance with City ordinances and state law for temporary and transient sales of consumer fireworks than it is for permanent, established business.

#### **Section 22-448.      Adoption of State Law.**

Fireworks are regulated by Minnesota State Statutes § 624.20 through 624.25 inclusive, which are hereby adopted by reference and as may be amended from time to time and Minnesota State Fire Code, Chapter 33.

#### **Section 22-449.      License Required.**

It is unlawful to sell, display or store fireworks in the City of Anoka in violation of Minnesota Statutes 624.20 through 624.25. Consumer fireworks, as defined in this Chapter, may; however, be sold, displayed, advertised for sale, or stored as inventory for sale upon issuance of a license approved by the City of Anoka.

#### **Section 22-450.      Definitions.**

*Applicant.* As used in this Chapter shall mean the individual person who signs the application to the City for a license on behalf of the person or entity who applies for a license under this Chapter.

*Consumer Fireworks.* As used in this Chapter shall mean wire or wood 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, sting poppers, snappers, and drop pops, each consisting of not more than twenty-five hundredths grains of explosive mixture.

*Fireworks.* As used in this Chapter shall mean any substance or combination of substances or articles prepared for the purpose of producing a visible or 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 Section 17.104 (a), 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.

*Licensee.* As used in the Chapter shall mean the individual person or entity to whom a license is issued by the City under the provisions of this Chapter to store, display or sell or advertise for sale consumer fireworks, and a person or entity to whom a license is issued by the City to make a public display of fireworks.

**Section 22-451.**

**Application for License.**

An application for a license for the sale, storage, display and sale or advertising for sale of consumer fireworks shall be made to the City Clerk and must be approved by the City Council.

- (a) Required information. The complete license application shall be given to the City Clerk a minimum of thirty (30) days prior to the commencement of the storage, display, or sale of consumer fireworks by the licensee and shall include the following information:
1. Applicant's and proposed licensee's full name, address, phone number, and date of birth. The applicant and licensee must be eighteen (18) years of age or older. If a corporate application, the applicant shall be the store manager.
  2. The addresses and phone numbers for all the sites for which the proposed licensee intends to store, display or sell consumer fireworks.
  3. The zoning designation of each site.
  4. An agreement by the applicant and the licensee that the applicant and licensee understand that those persons storing, displaying or selling consumer fireworks must be at least eighteen (18) years of age.
  5. An agreement by the applicant and the licensee that they understand what constitutes consumer fireworks and which fireworks are illegal under state law and this ordinance.
  6. Documentation signed by the owner of the real property at which the storage, display or sale of consumer fireworks, or the public display of fireworks is to take place, showing to the satisfaction of the City Council that the owner has granted to the proposed licensee permission to use the property for that purpose.
  7. An 8 ½ by 11-inch floor plan designating the area within buildings on the site for storage, sale, or display of consumer fireworks.
  8. A list documenting the identity, type, weight and numerical quantity of consumer fireworks that will be located within buildings on the site.

9. A certificate of insurance showing proof that the licensee will have, before commencement of the use of a license for storage, display, sale or advertising for sale of consumer fireworks, a policy of public general liability, bodily injury and property damage insurance from a company or companies approved by the City of Anoka in the minimum amount of one million dollars (\$1,000,000) single limit.
  10. Such other information as may be reasonably required by the City of Anoka to process the license application.
- (b) Background Check. Prior to processing the application, a criminal background check must be conducted of the applicant and the proposed licensee. Neither the applicant nor the licensee, or owner shall have been convicted of a felony or a fire or fireworks related misdemeanor within three (3) years of the date of application.
- (c) Inspection of Location. Prior to processing the application, the Fire Chief shall make a determination that the location where consumer fireworks are to be stored, displayed or sold meets appropriate codes to regulate and control the inherent hazards of the product, and that the persons in charge of selling, displaying or storing the consumer fireworks are competent and trained to handle such consumer fireworks.

**Section 22-452.**

**Issuance of License.**

The City Council shall grant a consumer fireworks license to an applicant who complies with the provisions of this Chapter unless the applicant or the licensee or the site at which the licensee proposes to operate have been the subject of or location of prior violations of this Chapter or a similar ordinance in another jurisdiction. Licenses granted hereunder shall be non-transferable. A separate license shall be required for each location at which a licensee intends to store, display, sell or advertise for sale consumer fireworks or make a public display of fireworks.

**Section 22-453.**

**License Period and Fee.**

Licenses shall expire one (1) year from the date of the resolution approving the application. Re-issuance shall require new application and City Council approval. License fees shall not be prorated and are non-refundable. The fee shall be as established from time to time by the City Council.

**Section 22-454.**

**Terms and Conditions for Issuance of a License.**

A license for the storage, display, or sale of consumer fireworks shall be issued only upon the following terms and conditions:

- (a) Storage, display or sales of consumer fireworks may occur only in industrial and commercial zoning districts in which the activity constitutes a permitted use, and must comply with all applicable City ordinances. No exterior storage, display, sales or transient sales of consumer fireworks shall be permitted. Outdoor movable or portable places of business, mobile kiosks, trailers, or other non-permanent or mobile stands shall not be used for the storage, display or sale of consumer fireworks.
- (b) No storage, display or sales for commercial use shall occur on property used for residential, educational, or public assembly purposes.
- (c) Below grade storage is prohibited.

- (d) Smoking shall not be permitted in any building or tenant space where consumer fireworks are stored, displayed or sold. Areas where consumer fireworks are stored, displayed or sold shall provide “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 and shall be approved by the Fire Chief.
- (e) Discharge of consumer fireworks shall be prohibited within one hundred feet (100’) of any building in which fireworks are manufactured, stored, displayed or sold.
- (f) Each location at which consumer fireworks are stored, sold, or displayed shall have a minimum of two (2) 2.5 gallon pressurized water extinguishers or a dry chemical extinguisher carrying a classification no less than 3A-20BC, and be adequate for the amount of fireworks on hand as determined by the Fire Chief.
- (g) The premises where the licensed activity is to take place must be in compliance with the State Building Codes and State Fire Codes. There shall be at least two (2) exits accessible to all occupants from all buildings where the licensed activity takes place.
- (h) In buildings without an automatic sprinkler system approved by the Fire Chief, consumer fireworks displays or storage shall be limited to 62.5 pounds net pyrotechnic composition or two hundred fifty (250) pounds gross weight, if the pyrotechnic composition is not known.
- (i) Storage or display of consumer fireworks in buildings protected throughout by an automatic sprinkler system approved by the Fire Chief shall be limited to one hundred twenty-five (125) pounds net pyrotechnic composition or five hundred (500) pounds gross weight if the pyrotechnic composition weight is not known.
- (j) All buildings in which consumer fireworks are stored, displayed or sold shall be posted in a conspicuous location with a list of all consumer fireworks located on the property, together with material safety data sheets for those materials. The posting shall state the description, weight and quantity of fireworks on the property.
- (k) Upon request, samples of the fireworks shall be made available to the Fire Chief for testing purposes.
- (l) The age of all purchasers of consumer fireworks must be verified to be eighteen (18) years by photo identification at the time of each sale.
- (m) The premises where the licensed activity takes place are subject to inspections by City employees, including the Fire Chief, Building Official, and Police Officers, during normal business hours, at the discretion of the City.
- (n) Safety information approved by the Fire Chief must be available at each sale of consumer fireworks.

**Section 22-455.**

**Discharge Rules and Regulations.**

- (a) It is unlawful to discharge consumer fireworks on public property.
- (b) It is unlawful to use, fire, or discharge any fireworks along the route and during any parade or at any place of public assembly or in any commercial district.

- (c) It is unlawful at any time to throw or toss any fireworks at any person, animal, vehicle, or other thing or object.
- (d) Fireworks may only be discharged in an area with a water source connected to a hose or other acceptable means of putting out a fire.
- (e) The Fire Chief may ban fireworks or shorten the season of the fireworks discharge if a drought is evident or any equitable need for public safety arises.
- (f) Juveniles may not possess fireworks unless under the direct supervision of a responsible adult.

**Section 22-456.**

**Public Display.**

Licenses will not be issued for the public display of fireworks except in accordance with Minnesota Statutes 624.22, and shall require that the application for and issuance of the license for public display of fireworks be the same, so far as applicable, as the requirements for a license for storage, display and sale of consumer fireworks.

**Section 22-457.**

**Revocation of License.**

In the event of the discovery of fraud in the application for the consumer fireworks license, or the conviction of the licensee or manager, officer or owner of a felony or of a violation of this Chapter or a similar ordinance in another jurisdiction, the license may be revoked. Revocation shall not occur unless the licensee has first been provided written notice by the City of the violation(s) and of its intent to seek revocation, and an opportunity for a timely hearing on the revocation before the City Council. If, in the opinion of the Fire Chief or the City Manager that the continued operation under the license following discovery of the violation would constitute an unreasonable and imminent danger to persons or property, those officials may temporarily suspend the license until the Council has acted on a revocation request by those officials. If a license is revoked, neither the applicant, the licensee, or the premise where the licensee's licensed activity took place, may apply for, obtain or be the site for a license for a period of twelve (12) months from the effective date of the revocation.

**Section 22-458.**

**Enforcement.**

It shall be the duty of the Fire Chief or his/her designee, in conjunction with the Building Official and Police Officers, to enforce the provisions of this Chapter.

**Section 22-459.**

**Violations.**

- (a) Any person who violates the provisions of this Chapter shall be guilty of a misdemeanor. Each day of violation shall constitute a separate offense.
- (b) Any violation of the provisions of this Chapter shall preclude the applicant, licensee, or the site of violation from qualifying for another license or as a place where the license activity may occur for a period of twelve (12) months from the effective date of revocation.
- (c) Materials that are in violation of this Chapter or pose a threat to public safety may be confiscated and destroyed. Costs associated with disposal may be assessed back to the property from which the materials were removed in the same manner as in the recovery of the costs of abatement of a nuisance.

- (d) In the event of a violation of this Chapter, the City may institute appropriate proceedings, including bringing criminal charges, or seeking civil or injunctive relief, to prevent, restrain, correct or abate such violation. The City, in any court of competent jurisdiction, may recover all costs incurred for corrective action. Any violator of this Chapter shall be responsible for the City's cost of prosecution, including attorney fees.

**Section 22-460. Severability.**

If any section, subsection, sentence, clause, phrase or portion of this Chapter is, for any reason, held to be invalid or unconstitutional by any court of administrative agency of competent jurisdiction, such portion shall be deemed to be a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Sections 22-461 thru 22-480. Reserved.**