

CITY OF BROWNTON
ORDINANCE NO. 82

AN ORDINANCE ESTABLISHING FIREWORKS REGULATIONS AND ESTABLISHING PENALTIES FOR VIOLATIONS WITHIN THE CITY LIMITS.

THE CITY OF BROWNTON ORDAINS:

SECTION 1. Ordinance Number 82 is established to read as follows:

82.01 Definition

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

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

- a. The application for the permit for the manufacturing, storage, for commercial purposes, and sale of fireworks shall be made to the Fire Chief a minimum of fifteen (15) days prior to operating.
- b. Permits shall be issued for a period of one calendar year.
- c. Prior to processing the application, a criminal records check must be conducted. Neither the applicant nor the responsible party for the permit shall have been convicted of a fire/fireworks-related misdemeanor within the last three (3) years.
- d. Prior to processing the application, the fire chief shall determine that the purposed location is code compliant.
- e. The application shall include a letter from the person legally responsible for the property on which the fireworks related activity will occur. Such letter shall grant permission to the application for the use of said property.

82.03 Sales and Storage of Fireworks.

- a. No persons shall sell or store fireworks within 100 feet of any fuel dispensing apparatus.
- 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 fire extinguishers must be available for use.

- c. In buildings that do not have an automated sprinkling system, retail sales displays of fireworks shall be limited to a gross weight of 200 pounds of fireworks. In buildings that do not contain an automated sprinkling system, retail sales displays shall be limited to a gross weight of 400 pounds of fireworks.
- d. The requirements of this ordinance are in addition to any requirements imposed by any building and zoning regulations, fire codes, or state laws.
- 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. No exterior storage, display, sales, or transient sales of fireworks are permitted. 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 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 display in excess of the quantities listed in (g) for retail consumer fireworks shall be classified as an H occupancy and protected similarly to explosives and aerosols.
- i. A handout describing fireworks safety shall be provided to each consumer purchasing fireworks.

82.04

Use and Possession.

- a. It is unlawful to use, fire, or discharge any fireworks along the route of and during any parade or at any place of public assembly or in any commercial/industrial 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 fifteen (15) feet of any building.
- d. The fire chief may ban fireworks if dry or windy conditions occur.
- e. The discharge of fireworks shall be prohibited within 30 feet of any flammable storage containers.

- f. Juveniles may not possess or discharge fireworks unless under the direct supervision of a responsible adult.
- g. Fireworks may not be discharged in such a manner that may create a nuisance nor between the hours of 10:00 p.m. to 7:00 a.m.
- h. A person may not have in excess of 15 pounds of fireworks in possession in any of the following manners. In residential storage, with their vehicles or on their person. Quantities larger than this will be considered to be for resale and subject to permit requirements of Section 82.02.

82.05 Penalties.

- a. Materials which 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 regulation, city ordinance, or state statute may result in revocation of this permit.
- c. Violations of these fire rules are misdemeanor offenses punishable by fines of up to \$1,000 and/or 90 days in jail.

SECTION 2: This ordinance shall take effect and be in force from and after its passing and publication.

Adopted by the City Council this 2nd day of July, 2002.

**By: Brian J. Hagen,
Mayor**

Attest:

**By: Cynthia Lindeman
City Clerk/Treasurer**