

**CITY OF ROBBINSDALE
PERMIT APPLICATION
FOR CONSUMER FIREWORKS**

Applicant instructions:

1. This application must be completed and returned at least 15 days prior to date of display.
2. Fee upon application is \$100 per vendor for selling from a permanent structure and \$350 per vendor for selling from a temporary structure. Payable to the City of Robbinsdale. (Fees to follow maximum set by MN §624.20).

Name of applicant (Sponsoring Organization): _____

Address of applicant: _____

Date of Birth of Applicant: _____

Name and address of authorized agent of applicant: _____

Duration of Display: _____

Verification that there shall be at least two (2) code compliant exits from all buildings which fireworks are stored or sold:

Interior Location of Display: _____

Type and quantity, in pounds, of the specific type of fireworks to be at the sale site:

I understand that persons selling and purchasing fireworks must be at least 18 years of age.

I understand what constitutes legal fireworks and what are illegal under state law.

I agree to comply with all provisions of this application and the requirements of the City of Robbinsdale and the State of Minnesota.

Signature of applicant (or agent): _____ Date of application: _____

Required attachments. The following attachments must be included with this application:

1. A certificate of insurance in amount of at least \$1,000,000.
2. A complete description and drawing showing exactly where fireworks are going to be placed for retail sale and where and how they will be stored, and/or a complete description of all storage and retention.

Approved: _____

Fire Department

Zoning Department

Police Department

Department Comments: _____

AN ORDINANCE REGULATING THE USE AND SALE OF FIREWORKS BY ADDING A NEW SECTION 1150 TO THE ROBBINSDALE CITY CODE

THE CITY COUNCIL OF THE CITY OF ROBBINSDALE DOES ORDAIN:

Section 1. The Robbinsdale City Code is amended by adding Section 1150 as follows:

Section 1150 – Fireworks

PART I SALE

1150.01. Subd. 1. Consumer Fireworks. “Consumer Fireworks” means the items described in Minnesota State Statute Section 624.20, Subdivision 1(c).

Subd. 2. Illegal Fireworks Prohibited. Except as otherwise provided by MN Statute Section 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 fireworks, as that term is defined in MN Statutes Section 624.20, Subd. 1.

Subd. 3. License Required for Legal Fireworks. No person shall offer for sale, expose for sale, sell at retail or wholesale, or advertise for the sale of any legal fireworks unless such person shall first obtain a license to be issued by the City Council in the manner hereinafter prescribed, and unless such person shall comply with the provisions of this section and the terms and conditions prescribed in such license. No license shall be issued for outside fireworks sales or sales from a temporary structure, unless it is accessory to the principal use and a conditional use permit is issued, per Section 520.05, Subd. 4(f).

Subd. 4. Zoning Compliance.

Legal fireworks may only be sold from existing retail building in B-2, B-3, B-4 and DD-1 zones.

1150.02. Subd. 1. Application for License. Each applicant 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 legal 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 Planning Department as meeting the City’s zoning regulations, by the Fire Department as meeting the requirements of the adopted City fire code, and by the Robbinsdale Police Department as meeting the requirements of any other state or local laws.

Subd. 2. The application shall contain and the applicant shall provide, at a minimum, the following information:

Applicant’s name, address, phone number, and date of birth.

The address and phone number for the sale site.

Verification that there shall be at least two (2) code compliant exits from all buildings from which fireworks are stored or sold.

The duration of the permit.

The type and quantity, in pounds, of the specific type of fireworks to be at the sale site.

A statement that applicant understands that persons selling and purchasing fireworks must be at least 18 years of age.

A statement that applicant understands what constitutes legal fireworks and what are illegal under state law.

A complete description and drawing showing exactly where the fireworks are going to be placed for retail sale and where and how they will be stored, and/or a complete description of all storage, retention and outdoor special effect show activities.

Subd.3. Applicant shall file with the application evidence that the applicant has liability insurance coverage in an amount of \$1,000,000 per occurrence to cover licensee's negligent acts relative to the sale, possession or use of fireworks. Such insurance shall indicate that the City of Robbinsdale shall receive notice at least 30 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.

1150.03. Issuance of License. Subdivision 1. 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 Appendix B shall accompany the application. The license fee shall not be prorated.

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.

No person shall sell legal fireworks to a person younger than 18 years of age. Licensee and licensee's employees selling legal fireworks must be at least 18 years of age. Vendors of legal fireworks must verify the age of purchaser by the use of photographic identification. The licensee shall prominently post the license at all times at the location where the legal fireworks are being offered for sale.

The licensee shall keep at least two (2) 2-1/2 gallon water type portable fire extinguishers, or other approved means of extinguishing a fire, at the approved location where the legal fireworks are being offered for sale and where they are stored at times when they are not offered for sale. The licensee shall prominently post at least two approved "No Smoking" signs at the location where the legal fireworks are being offered for sale and where they are stored at times when they are not offered for sale.

No signs, banners, pennants, or any other forms of advertising shall be displayed unless in compliance with the Robbinsdale sign ordinance. All permits required by the sign ordinance shall be obtained.

PART II USE

1150.04. Special Restrictions. Subdivision 1. No person shall set off, ignite or explode legal fireworks on public property or within fifteen (15) feet of any building. No indoor, proximate audience displays or special effects fireworks shows shall be allowed in the City of Robbinsdale. 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 p.m. to 7 a.m.

Subd. 2. All outdoor special effects shows will require a license from the City and a fire review of plans and site inspection by the Fire Department.

Subd. 3. 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 Robbinsdale 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.

Subd. 10. No exterior storage, display, sales or transient sales of fireworks are permitted.

Subd. 11. Violations. Any person who violates the provisions of this section shall be guilty of a misdemeanor. The City Council may revoke or suspend the license, following a hearing on such violation. The City Council may also consider such violation in reviewing any application for license for any year following the year of the violation.

Subd. 12. Application of Other Laws. Nothing in this ordinance 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.

1150.05. Inspections. Termination until compliance gained. Officers of the City's Police and Fire Departments may, at any time when licensee is engaged in selling or displaying fireworks for sale, inspect the premises to determine compliance with this section. Licensee must discontinue selling or displaying fireworks for sale until compliance with all provisions of this ordinance, the fire code, and any other state or federal regulations.