

Hutchinson - General Offenses

§ 130.07 POSSESSION AND SALE OF FIREWORKS.

It is unlawful for any person to sell, possess or have in possession for the purpose of sale, except as allowed in § 130.03(A) of this code and as permitted in § 130.08 below, any firecrackers, sky rockets or other fireworks. Fireworks seized under the provisions of the Uniform Fire Code shall be rendered harmless by placing same in plastic bags or pails and adding one cup of water to approximately each two pounds of fireworks. Properly documented wet fireworks may still be used as evidence in a safe manner. After wet fireworks are no longer needed for evidence, the Fire Marshal shall be contacted for final disposition.

('89 Code, § 10.05) (Am. Ord. 02-317, passed --02) Penalty, see § 10.99

§ 130.08 PERMITTED FIREWORKS.

(A) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

FIREWORKS. As defined in M.S. § 624.20(1)(c), as it may be amended from time to time, or any superseding statute.

(B) *Permit required.* No person shall sell or possess for sale fireworks without first having obtained an annual permit from the city.

(1) The Fire Chief shall give final approval or denial of an application for the manufacture, storage for commercial purposes or sale of fireworks within 14 days of the permit application being made to the city.

(2) Permits shall be issued for a period of one calendar year.

(3) 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 felony or a fire- or fireworks-related misdemeanor within the last three years.

(4) Prior to processing the application, the Fire Chief shall determine that the proposed location is code compliant.

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(5) The application shall include a letter from the person legally responsible for the property on which the fireworks-related activity will occur. The letter shall grant permission to the applicant for the use of the property.

(C) *Sales and storage of fireworks.*

(1) No person shall sell or store fireworks within 50 feet of any fuel dispensing apparatus.

(2) It shall be unlawful for any seller of any fireworks to permit smoking inside or within 50 feet of the consumer fireworks retail sales area. "No Smoking" signs must be conspicuously posted and approved fire extinguishers must be available for use.

(3) In buildings that do not have an automated sprinkling system, retail sales displays of fireworks shall be limited to a gross weight of 250 pounds of pyrotechnic composition or 25% of the gross weight if the weight of pyrotechnic is not known. In buildings that do contain an automated sprinkling system, the amount of fireworks contained in retail sales displays shall be determined by the City Fire Chief on a case by case basis after considering the building's construction, fire suppression apparatus and other relevant factors.

(4) The requirements of this section are in addition to any requirements imposed by any building and zoning regulations, fire codes (MSFC chapter 33 and NFPA 1124) or state law (M.S. § 624.20, as it may be amended from time to time).

(5) Only persons 18 years of age and older may purchase fireworks, and the age of the purchaser must be verified by photographic identification.

(6) Exterior storage, display, sales or transient sales of fireworks are permitted subject to a site plan review. Site plans shall be submitted for review through the conditional use permit process as identified in § 154.170. Conditional use permits will only be considered within commercial or industrial zoning districts. Additionally, tents, canopies or membrane structures must comply with MSFC chapter 24.

(7) No manufacturing, sales or storage for commercial purposes shall occur on residentially zoned property or within 100 feet thereof.

(8) No person shall construct a retail display nor offer for sale explosives, explosive materials, or fireworks upon highways, sidewalks, public properties, properties used for educational purpose or assemblies.

(9) 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.

(10) A handout describing fireworks shall be provided to each consumer purchasing fireworks.

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(D) Use and possession.

(1) It is unlawful to use, fire or discharge any fireworks along the route of and during any parade, in any place of public assembly, on any public property or in any commercial/industrial zoning district.

(2) It is unlawful at any time to throw, toss or aim any fireworks at any person, animal, vehicle or other thing or object or to use fireworks in any manner that may threaten or cause possible harm to life or property.

(3) The discharge of fireworks shall be prohibited inside a building and within

15 feet of any building.

(4) It shall be unlawful to ignite, discharge or otherwise use fireworks within 300 feet of a consumer fireworks retail sales facility or store. At least one sign shall be conspicuously posted on the exterior of each side of the consumer fireworks retail sales facility stating: No fireworks discharge within 300 feet.

(5) No motor vehicle shall be parked within ten feet of a consumer fireworks retail sales facility.

(6) The Fire Chief may ban fireworks if dry or windy conditions occur.

(7) Juveniles may not possess fireworks unless under the direct supervision of a responsible adult.

(8) Fireworks may not be discharged in a manner that may create a nuisance nor between the hours of 10:00 p.m. to 7:00 a.m. Fireworks shall also be subject to any additional ordinances such as noise and/or assembly areas.

(9) Officers may seize illegal fireworks: The State Fire Marshal or designee, Sheriff's officer, police officer, constable, Fire Chief or Fire Official shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored or held in violation of this division.

(E) Violations; remedies.

(1) 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.

(2) Violations of this regulation, city ordinance or state statute may result in revocation of the permit.

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(3) Violations of these fire rules are misdemeanor offenses punishable by fines up to \$1,000 and/or 90 days in jail.
(^89 Code, § 10.051) (Ord. 02-316, passed 6-11-02; Am. Ord. 04-370, passed 3-9-04)
Penalty, see § 10.99