



SHAKOPEE FIRE DEPARTMENT

Fire & Life Safety for a Growing Community



CONSUMER FIREWORKS RETAIL SALES

Policy #16-2002 (04/01/2009) (2007 MSFC)

General Requirements

1. It is unlawful for any person to sell, offer for sale, expose for sale, or sell at retail or wholesale any consumer fireworks in the City of Shakopee without first having obtained a permit from the Shakopee Fire Department.
2. Applications for permits must be made a minimum of five (5) days prior to the date when the activity is to commence.
3. The applicant shall completely fill out and submit an application form for a consumer fireworks retail sales permit. Information to be submitted as part of the permit application includes, but is not necessarily limited to the following information:
 - a. Name of applicant
 - b. Address of applicant
 - c. Telephone number of applicant
 - d. Address of location where the fireworks will be sold
 - e. Description of the fireworks to be sold including estimated weight and quantity of the fireworks that will be stored on the premises.
 - f. Description of the premises and facility from which the fireworks are proposed to be sold
 - g. Permission from the person legally responsible for the property on which such sale is to take place for the use of the property. Such letter shall grant permission to the applicant for the use of said property.
4. The application shall include a plan for the consumer fireworks retail sales facility. This plan shall include the following items:
 - a. Distance to public ways (roads)
 - b. Distance to other buildings
 - c. Distance to other consumer fireworks retail sales facilities
 - d. Distance to motor vehicle fuel-dispensing stations
 - e. Distance to retail propane-dispensing stations
 - f. Distance to propane cylinder exchange enclosures
 - g. Distance to flammable and combustible aboveground tank storage
 - h. Distance to flammable gas and flammable liquefied gas bulk aboveground storage and dispensing areas within 300 feet of the facility used for the retail sales of consumer fireworks.
 - i. Vehicle access and parking areas
 - j. Location and type of portable fire extinguishers
 - k. Floor plan and layout of storage and displays to indicate compliance with NFPA 1124 and applicable state or local laws, ordinances or regulations.
 - l. Means of egress (exit locations)
 - m. Construction details
 - n. Product material safety data sheets (MSDS)
5. Prior to processing the application the City shall determine that the proposed location is code compliant.
6. Permits shall be issued for a period of one calendar year (January – December)
7. Any permit issued is non-transferable, either to a different person or location.
8. The fee for the permit shall be based on the maximum fee allowed by MN Statute 624.20.

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Station #2: 334 2nd Avenue West

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Definitions

Consumer Fireworks:

Wire or wood sparklers of not more than 100 grams of mixture per item, other sparkling items which are nonexplosive and nonaerial 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 works, smoke devices, or trick noisemakers which include paper streamers, party poppers, string poppers, snappers, and drop pops, each consisting of not more than twenty-five hundredths grains of explosive mixture.

Large Facility:

A facility where the net weight of pyrotechnics compound greater than 125 pounds is stored or displayed (net weight of pyrotechnics compound in fully sprinklered facilities greater than 250 pounds). If the net weight is not available 25% of the gross weight shall be used to calculate the weight of pyrotechnics compound.

Small Facility:

A facility where the net weight of pyrotechnics compound of 125 pounds or less is stored or displayed (net weight of pyrotechnics compound in fully sprinklered facilities of 250 pounds or less). If the net weight is not available 25% of the gross weight shall be used to calculate the weight of pyrotechnics compound.

Conditions of Permits

General Requirements

1. A determination by the Shakopee Fire Department that the location where the consumer fireworks are to be stored or sold is not hazardous to property or endangers any person.
2. Any permit issued is non-transferable, either to a different person or location.
3. The permit must be publicly displayed on the premises.
4. The premises are subject to inspection by city employees during normal business hours of the facility for the purpose of inspecting building or property and for the purpose of checking for violations of this Section.
5. The sale of consumer fireworks is permitted only in B-1, I-1 and I-2 zoning districts where commercial or industrial activities are authorized under the applicable zoning regulations of the City. Outside sales of consumer fireworks require the issuance of a Conditional Use Permit from the City of Shakopee.
6. Storage of consumer fireworks on the premises must be in compliance with applicable codes.
7. The premises must be in compliance with the Minnesota State Fire Code and Minnesota State Building Code.
8. Consumer fireworks shall not be sold to persons under the age of 18.
9. Where retail sales of consumer fireworks are not conducted within a permanent structure, the retail sales area shall be covered by a canopy, tent or permanent membrane structure.
10. Public address systems shall not be audible outside any permanent or temporary consumer fireworks retail sales facility.
11. Consumer fireworks retail sales facilities shall not block any sidewalk, public right-of-way or alley. Additional setback requirements may apply based on zoning requirements. All facilities shall be located as approved by the Shakopee Fire Department and the City of Shakopee.
12. Tents, canopies and temporary membrane structures shall be used for a period of not more than 180 days within a 12-month period on a single premise.
13. No signs may be installed, modified or maintained without first obtaining a sign permit (including temporary signs). Contact the Planning Department for a copy of the sign permit application. Submittal of a permit includes: the application, fee, site plan, to-scale wall and/or free-standing sign drawings, and the period of installation (if temporary).
14. No signage is allowed in the public right-of-way (typically an area that extends from the curb to approx. 12 feet behind the curb).

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15. One temporary sign is allowed per property, with a maximum area of 32 sq. ft. and a display period not to exceed 30 days per calendar year, provided a sign permit is obtained prior to installation.
16. When a consumer fireworks retail facility is located in a temporary structure a minimum of 1 onsite parking space shall be provided for each 500 square feet of gross sales area.

Requirements for Large Facilities

1. Large facilities shall meet the requirements of Minnesota Statute Section 624.20. This section adopts NFPA 1124.

Requirements for Small Facilities

1. Small facilities shall be limited to Group B and Group M occupancies when located in permanent structures. The occupancy class shall be determined based on the requirements of the Minnesota State Building Code.
2. A site plan for the small facilities shall be provided with the permit application.
3. Small facilities shall only be permitted in structures not exceeding one story in height when the structure is of permanent construction. Retail sales shall not be allowed in basements.
4. Where small facilities are located in a tent, canopy or membrane structure, the structure shall comply with the Minnesota State Fire Code.
5. Where small facilities are located in multiple-tenant buildings, the minimum separation from other tenants shall be by a fire barrier with a minimum fire resistance rating of 1-hour. Where the structure is provided with a fire sprinkler system designed and installed in accordance with NFPA 13 the barrier shall not be required to be rated.
6. Portable fire extinguishers are required. Maximum travel distance to a fire extinguisher in a permanent structure shall be 75 feet and in temporary facilities shall be 35 feet. All small facilities shall have a minimum of one 2A:20BC fire extinguisher.
7. Small facilities shall be located so that no portion of an exterior wall of the structure, sidewall of a tent, or other defined perimeter or the facility shall be located more than 150 feet from a public way or an approved fire apparatus access road.
8. Combustible materials including dry grass, dry brush and combustible debris shall be kept a minimum of 30 feet from any small facility.
9. Parking of vehicles or trailers is prohibited within 10 feet of small facilities.
10. No fireworks shall be discharged within 300 feet of the facility. At least one (1) sign shall be conspicuously posted on the exterior of each side of the facility. This sign shall have letters at least 4 inches in height on a contrasting background and shall read: NO FIREWORKS DISCHARGE WITHIN 300 FEET
11. Smoking shall be prohibited within the premises. When the sales area is enclosed within or protected under any temporary structure, tent or canopy smoking shall also be prohibited within 25 feet of any portion of the premises. No smoking signs shall be posted at each entrance and throughout the sales area.
12. Minimum setback from any lot line shall be 20 feet, unless the facility is located in a permanent building.
13. Minimum setback from any other structure shall be 20 feet, unless the facility is located in a permanent building.
14. Minimum setback from motor vehicle fuel-dispensing station dispensers, propane-dispensing station, compressed natural gas dispensing station and propane cylinder exchange enclosures shall be 25 feet.
15. Small facilities shall be provided with a minimum of 2 exits. The minimum exit width shall be 32 inches. All exits shall be provided with internally or externally illuminated or self-luminous exit signs. The means of egress shall be provided with emergency lighting.

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16. Travel distance to an exit shall not exceed 75 feet. When the facility is located in a temporary structure and the gross floor area exceeds 800 square feet the maximum travel distance to an exit shall not exceed 35 feet.
17. Aisles shall have a minimum clear width of 36 inches. In retail sales stands where the interior is not accessible to the public the minimum clear aisle width shall be not less than 28 inches.
18. Merchandise and display fixtures shall be limited to 6 feet in height within the consumer fireworks retail sales area.
19. All fireworks shall be contained in their original packaging. Damaged packages shall be removed from sale. The sale of unpackaged fireworks is prohibited.
20. Electrical equipment shall meet applicable codes.
21. Heating sources shall be listed and shall be used in accordance with their listing. Temporary heat sources shall have tip-over and temperature-overheat protection. Open-flame and exposed-element heating devices are prohibited.
22. Portable generators and their fuels shall be located not less than 20 feet from any Small Facility.
23. Cooking equipment of any type shall not be permitted within 20 feet of any temporary facility.
24. Small Facilities shall be secured when unoccupied and not open for business, unless fireworks are not kept in the facility during such times.
25. Minimum of 50% of the floor area of the premises shall be open space that is unoccupied by fireworks displays and is used for aisles and cross-aisles.
26. Housekeeping shall be kept neat and orderly at all times.
27. Safety training shall be provided to all personnel handling consumer fireworks.
28. Any person selling consumer fireworks shall not knowingly sell consumer fireworks to any person who is obviously under the influence of alcohol or drugs.
29. Inventory records shall be maintained and shall be available for inspection upon request.

Fire Safety Requirements

1. Smoking shall not be permitted in any area or space where consumer fireworks are displayed or stored for retail sales. Areas where consumer fireworks are displayed or stored for retail sales shall be provided with approved "No Smoking" signs. All signs shall be maintained in legible condition.
2. Fireworks may not be discharged from any building or site from which they are manufactured, stored for commercial purposes or sold.
3. Each permit holder shall have not less than one (1) water-type or equivalent extinguisher of not less than two and one-half gallon capacity in an approved location.
4. There shall be at least two (2) code compliant exits from all buildings from which fireworks are manufactured, stored for commercial purposes or sold.
5. In buildings without an approved automatic sprinkler system retail consumer fireworks indoor sales displays shall be limited to one area not exceeding 24 square feet in area.
6. In buildings with an approved automatic sprinkler system retail consumer fireworks indoor sales displays shall be limited to one area not exceeding 96 square feet in area.
7. 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.

Requirements for Use of Consumer Fireworks

1. It is unlawful to use, fire, or discharge any fireworks on public property including, but not limited to the following:
 - a. Parks
 - b. Roads, including road right-of-way
 - c. Alleys
 - d. Public school buildings and property
 - e. Public government buildings and property

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2. The Fire Chief or his/her designee may ban fireworks if dry or windy conditions occur.
3. Juveniles may not possess fireworks unless under the direct supervision of a responsible adult.
4. Fireworks may not be discharged in such a manner that may create a nuisance.
5. Fireworks may not be discharged between the hours of 10:00p.m. and 7:00a.m.
6. Materials that violate and/or pose a threat to public safety may be confiscated and destroyed

Violations

1. Violations of this regulation, city ordinance, or state statute may result in the following penalties:
 - a. Revocation of the permit.
 - b. If the violation involves explosive fireworks in an amount of 35 pounds gross container weight or more, to imprisonment for not more than one year, or to payment of a fine of not more than \$3,000, or both.
 - c. If the violation involves explosive fireworks in an amount of less than 35 pounds gross container weight, to imprisonment for not more than 90 days, or to payment of a fine of not more than \$700, or both.
 - d. If the violation involves any amount of fireworks other than explosive fireworks, to imprisonment for not more than 90 days, or to payment of a fine of not more than \$700, or both.

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