

APPLICATION # _____

DATE RECEIVED _____

RECEIPT NUMBER _____

AMOUNT PAID _____

CITY OF ROCHESTER, MN.

APPLICATION FOR DISPLAY OF FIREWORKS/PYROTECHNIC SPECIAL EFFECTS

Name of Applicant (Sponsoring Organization) _____

Home Address _____

Name of Business _____

Business Address _____

Telephone (Business): _____ Home Phone _____

Date of Display: _____ Time of Display _____

Location of Display _____

Manner and Place of Fireworks/Pyrotechnic Special effects Prior to Display _____

Size, Type and Number of Fireworks/Pyrotechnic Special Effects to be Discharged

MINNESOTA STATE LAW REQUIRES THAT THIS DISPLAY BE CONDUCTED UNDER THE DIRECT SUPERVISION OF A PYROTECHNIC OPERATOR CERTIFIED BY THE STATE FIRE MARSHALL.

Name of Supervising Operator: _____ Certificate Number: _____

REQUIRED ATTACHMENTS: The following attachments must be included with this application:

- 1. Permit Fee - \$80.00 (\$25.00 PAYABLE TO CITY CLERK & \$55.00 PAYABLE TO FIRE DEPT)
- 2. Proof of bond or certificate of insurance in an amount of not less than \$1,000,000.00 showing the City of Rochester as an additional insured.
- 3. Proof of bond or insurance on the pyrotechnic operator in an amount of not less than \$1,000,000.00.

4. A diagram of the grounds or facilities (for indoor displays) at which the display will be held. This diagram (drawn to scale or with dimensions included) must show the point at which the fireworks/pyrotechnic special effects are to be discharged; the location of ground pieces; the location of buildings, highways, streets, communication lines and other possible overhead obstructions; and the lines behind which the audience will be restrained. Provision should be made for enforcement of crowd control. For proximate audience (e.i. indoor) displays, the diagram must also show the fallout radius for each pyrotechnic device used during the display.

5. Names and ages of all assistants that will be participating in the display.

Signature of Applicant (or agent)

Make Check or Money Order payable to the CITY OF ROCHESTER and return to the OFFICE OF THE CITY CLERK, ROOM 135, 201 4TH ST SE, ROCHESTER, MN. 55904

FOR OFFICE USE ONLY

The discharge of the listed fireworks on the date and at the location shown on this application is hereby approved, subject to the following conditions if any:

Signature of Fire Chief: _____ Date: _____

The discharge of the listed fireworks on the date and at the location shown on this application is hereby approved, subject to the following conditions if any:

Signature of Police Dept.: _____ Date: _____

The discharge of the listed fireworks on the date and at the location shown on this application is hereby approved,

subject to the following conditions it any:

Signature of Park Department: _____ Date: _____

The discharge of the listed fireworks on the date and at the location shown on this application is hereby approved, subject to the following conditions it any:

Signature of Risk Insurance Agent: _____ Date: _____

The discharge of the listed fireworks on the date and at the location shown on this application is hereby approved, subject to the following conditions it any:

Signature of Attorney: _____ Date: _____

The discharge of the listed fireworks on the date and at the location shown on this application is hereby approved, subject to the following conditions it any:

Signature of Issuing Authority: _____ Date: _____

Date of Council Meeting: _____

Permit No.: _____

RIGHTS OF SUBJECTS OF GOVERNMENT DATA

LICENSE AND PERMIT DATA

“TENNESSEN WARNING”

In accordance with the Minnesota Government Data Practices Act, the City of Rochester is required to inform you of your rights as they pertain to the information collected about you. Public information is that information which is available to the general public; Private information is that information which is available to you, not to the public; and confidential information is that information which is not available to you or the public. The information we collect from you is either public or private. The separation of that information is as follows:

PUBLIC – NAME AND ADDRESS OF APPLICANT(S) AT THE TIME OF APPLICATION

PRIVATE – SOCIAL SECURITY INFORMATION, BIRTH DATE INFORMATION

(MS 13.355 & 13.37(a))

The information collected and required from you is to determine your eligibility for a City of Rochester License or Permit. If you do not supply the required information, the City of Rochester will not be able to determine your eligibility.

The dissemination and use of the private data we collect is limited to that necessary for the administration and management of the licensing program. Persons or agencies with whom this information may be shared include:

CITY, COUNTY, AND STATE PERSONNEL INVOLVED IN DETERMINING YOUR ELIGIBILITY, CONTRACTED PUBLIC AUDITORS, AND THOSE INDIVIDUALS TO WHOM YOU GIVE YOUR EXPRESS WRITTEN PERMISSION.

Unless otherwise authorized by state statute or federal law, other government agencies utilizing the reported private data must also treat the information private.

You may wish to exercise your rights as contained in the Minnesota Government Data Practices Act. These rights include:

**THE RIGHT TO SEE AND OBTAIN COPIES OF THE DATA MAINTAINED ON YOU.
THE RIGHT TO BE TOLD THE CONTENTS AND MEANING OF THE DATA.
THE RIGHT TO CONTEST THE ACCURACY AND COMPLETENESS OF THE DATA.**

To exercise these rights, contact the City Clerk’s Office, Room135, City Hall, Rochester, Mn. 55904

I HAVE READ AND UNDERSTAND THE ABOVE INFORMATION REGARDING MY RIGHTS AS A SUBJECT OF GOVERNMENT DATA.

(Signature of Data Subject)

(Date)

White Copy - City Clerk's Office

Buff Copy - Applicant

Retailer Information for Fireworks

The recent Minnesota law change would allow some, but not all, consumer fireworks to be sold and used in Minnesota. Prior to purchasing fireworks items for resale to the general public retailer should:

- Check with the local governmental agencies for specific requirements that may apply (i.e. business licenses, or zoning permits). No permit or license is necessary from the State Fire Marshal Division for sale, possession or use of fireworks exempted from Minnesota Statute 624.20

City of Rochester requires a permit approved by the City Council.

Applications must be made with the City Clerk's Office. Departmental approvals must be obtained from the Fire and Police departments. A Conditional Use Permit is required from Planning and Zoning for parking lot or road-side sales.

- Be familiar with state fireworks laws, especially Minn. Stat. 624.20 (c). Strict compliance is encouraged and expected.
- Purchasers of legal fireworks must be at least 18 years old. Minn. Stat. 624.20 (c) requires that retailers verify age through presentation of photographic identification by the purchaser.
- Be familiar with the Fire Code requirements, which applies to and regulates the storage, use and handling of all fireworks.
- Smoking is not allowed in areas used for retail sale or storage of fireworks in accordance with the Fire Code, Section 1109.4.1.
- There are no provisions in Minn. Stat. 624.20 (c) that limit or prohibit advertising or mail order sales for legal fireworks. However, it is still illegal to advertise fireworks that are not legal for personal sale, possession or use in Minnesota.
- Operating outside the exception provided by Minn. Stat 624.20 (c) for sale, possession and use of fireworks is addressed in the criminal statutes of MSS 624.20 to 624.25.

Violations

1. *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;*
2. *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; and*
3. *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.*

Fireworks Fact Sheet

Recent changes to Minnesota Statute 624.20 now allow for the public sale, possession and use of certain types of consumer fireworks. Effective April 30, 2002.

What Fireworks are now Legal in Minnesota?

- Sale, possession and use of some non-explosive and non-aerial consumer fireworks is now permitted in Minnesota at any time of the year.

Examples of Legal Fireworks:

Sparklers with not more than 100 grams of explosive mixture per item.

Non-explosive and Non-aerial devices containing 75 grams or less of chemical or explosive mixture per tube or 200 grams or less for multiple tubes.

Novelty Items such as "snakes", glow worms, noisemakers, party poppers, string poppers, snappers and drop pops, each containing not more than 25/100 grains of explosive mixture.

- These consumer fireworks can not be used on public property. (i.e. parks, streets, roadways, alleys, schools, government property etc.)
- Purchasers of these fireworks must be at least 18 years old and retailers must verify by checking photo identification.

What is Still Illegal?

It is still illegal to possess, offer for sale or use explosive and aerial fireworks intended for public display. Public display of fireworks and pyrotechnic indoor displays are still required to be conducted by Certified Operators only, under permit from the City Clerk.

Prohibited fireworks include:

Firecrackers of any size, including lady fingers, black cats, M80s and cherry bombs.

Aerial devices such as bottle rockets, sky rockets, missiles, roman candles, aerial spinners, planes, parachutes, UFOs, chasers, mines, mortars and aerial shells.

Any of the above devices are not permitted to be purchased, sold, possessed, used or transported except by a certified operator in accordance with MSS 624.20, under a legally issued permit by a municipal government or City Clerk

Questions should be directed to the State Fire Marshal Division by email to firecode@state.mn.us or by calling (651) 215-0500. Additional information is available at www.fire.state.mn.us.

In Rochester, contact the City Clerk's Office at (507) 285-8086 or the Rochester Fire Department, (507)-285-8072.

Consumer Fireworks Information

Each state in the United States has slightly different requirements for fireworks: some permit all 1.4G consumer fireworks; others a subset of consumer fireworks; or no fireworks at all. The recent Minnesota law change would allow some, but not all, consumer fireworks to be sold and used in Minnesota.

- Only non-explosive and non-aerial consumer fireworks are permitted to be sold, possessed and used.
- Fireworks that explode, leave the ground, or shoot anything explosive other than sparks into the air are still prohibited.
- Use of these devices is not permitted on public property (i.e. parks, roads, alleys, schools, government property etc.).
- Purchasers of fireworks must be at least 18 years old and age must be verified by photo identification at the time of purchase. The age restriction is only on the purchase of fireworks – there is no age restriction on possession or use.
- There are no restrictions on the time of year for the sale, possession or use of these fireworks, nor are there restrictions on where the fireworks are purchased (in state or out of state).
- A permit or certification from the State Fire Marshal Division is not necessary for the sale, possession or use of these consumer fireworks.
- There has been no change in the laws relating to theatrical pyrotechnics and the requirements for a permit and certified operator according to Minnesota Statute 624.20 to 624.25.
- Operating outside the exception provided by Minn. Stat 624.20 (c) for sale, possession and use of fireworks is addressed in the criminal statutes of Minn. Stat. 624.20 to 624.25.

Violations:

1. *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;*
2. *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; and*
3. *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.*

117A. FIREWORKS

117A.01. Legal Fireworks. "Legal Fireworks" include wire or wood sparklers of not more than 100 grams of mixture per item; other 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; and 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.

117A.02. Illegal Fireworks Prohibited. Except as otherwise provided by Minn. Stat. Sections 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 Minn. Stat. Section 624.20, subd. 1.

117A.03. Permit 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 permit to be issued by the city council in the manner hereinafter prescribed, and unless such person shall comply with the provisions of this chapter and the terms and conditions prescribed in such permit.

117A.04. Application for Permit. Subdivision 1. Each applicant for a permit shall file a written and signed application with the city clerk for submission to the city council at its next regularly scheduled meeting. Such application must 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 chapter. The application must be accompanied by payment of the license fee as established by city council resolution. No permit may be issued unless:

- A. The Planning Department has determined the application satisfies the City's zoning ordinances;
- B. The Fire Department has determined the application satisfies the City's fire code; and,
- C. The Police Department has determined the application satisfies all requirements of state and local laws.

CHAPTER 117A. FIREWORKS

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

- a. Applicant's name, address, phone number, and date of birth.
- b. The address and phone number for the sale site.
- c. The nature of the site: Building () Vehicle () Other () _____.
- d. The duration of the permit: From _____ to _____.
- e. The address and phone number for the site.
- f. Type and quantity of specific type of fireworks to be at the site of sale (_____ lbs.)
- g. A statement that applicant understands that persons selling and purchasing fireworks must be at least 18 years of age.
- h. A statement that applicant understands what constitutes legal fireworks and what are illegal under state law.
- i. Approval by the Rochester Olmsted Planning Department.
- j. Approval by the Rochester Fire Department.
- k. Approval by the Rochester Police Department.

Subd. 3. Applicant shall file with the application evidence, in the way of a policy or a certificate of insurance, that the Applicant has liability insurance coverage in an amount of \$1,000,000 per occurrence to cover permittee's intentional and negligent acts relative to the sale, possession or use of fireworks. Such policy or certificate of insurance shall indicate that the City of Rochester shall receive notice at least 30 days prior to the cancellation or termination of the coverage. Any person issued a permit prior to the adoption of this subdivision shall have 10 days from the effective date of this subdivision in which to obtain the insurance and provide evidence of such to the City Clerk. Any permit issued under the authority of this chapter shall immediately terminate upon the cancellation or termination of the insurance coverage required herein.

117A.05. Issuance of Permit: Terms. The council shall grant a legal fireworks permit to an applicant who complies with the provisions of this chapter 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 Chapter. Each permit issued pursuant to this section shall describe the specific location in which such sales are intended to take place, the dates and times in which sales may occur at such location, relevant permittee data, and such other terms and conditions as may be necessary for the proper enforcement of this chapter.

117A.06. Special Restrictions. Subdivision 1. No person shall set off, ignite or explode legal fireworks on public property.

September 19, 2003

ROCHESTER CODE OF ORDINANCES

Subd. 2. No person shall sell legal fireworks to a person younger than 18 years of age. Permittee and permittee'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.

Subd. 3. The permittee shall prominently post the permit at all times at the location where the legal fireworks are being offered for sale.

Subd. 4. The permittee shall keep a 2 ½ gallon water type portable fire extinguisher 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.

Subd. 5. The permittee shall prominently post at least two "No Smoking" signs at the location where the legal fireworks are being offered for sale.

117A.07. Violations. Any person who violates the provisions of this chapter shall be guilty of a misdemeanor.

117A.08. Inspections; Termination until compliance gained. Officers of the City's Police and Fire Departments may, at any time when permittee is engaged in selling or displaying fireworks for sale, inspect the premises to determine compliance with this chapter. Permittee must discontinue selling or displaying fireworks for sale until compliance with all provisions of this ordinance is gained.

(3482, 5/20/02; 3489, 6/3/02; 3569, 6/16/03)