

ORDINANCE NO. 77

AN ORDINANCE REGULATING THE POSSESSION, USE, SALE, STORAGE, EXPORTATION AND DISPLAY OF FIREWORKS IN THE TOWN OF WHITE BEAR, RAMSEY COUNTY, MINNESOTA, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

THE TOWN BOARD OF SUPERVISORS OF THE TOWN OF WHITE BEAR ORDAINS:

SECTION 1. DEFINITIONS.

1-1. DISPLAY DISTRIBUTOR means any person, firm or corporation selling special fireworks.

1-2. DISTRIBUTOR means any person, firm or corporation selling fireworks to wholesalers and retailers for resale.

1-3. LAW ENFORCEMENT OFFICERS OR CODE ENFORCEMENT OFFICERS are individuals authorized to enforce the laws or ordinances of the Town of White Bear.

1.4. LEGAL FIREWORKS means 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 worms, 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, toy pistols, toy guns, in which paper caps containing 25/100 grains or less of explosive compound are used and toy pistol caps which contain less than 20/100 grains of explosive mixture.

1.5 MANUFACTURER means any person, firm, corporation or partnership engaged in the manufacture of fireworks.

1.6. RETAILER means any person, firm, corporation or partnership purchasing fireworks for resale to consumers.

SECTION 2. LEGAL FIREWORKS.

2-1. Legal fireworks for sale to the general public as that term is used in the Ordinance shall be understood to mean fireworks legal for sale and use in Minnesota under the provisions of Minnesota Statute Section 624.20.

2-2. No individual, firm, partnership, corporation or association shall possess for

retail sale in the Town of White Bear, sell or offer for sale at retail or use or possess any fireworks other than legal fireworks.

SECTION 3. PERMIT REQUIRED.

3-1. No person may sell, hold for sale, import, distribute or offer for sale, as specialty retailer, or retailer any fireworks in the Town of White Bear unless such person has first obtained the appropriate permit.

3-2. Law Enforcement Officers and Code Enforcement Officers shall enforce this Ordinance. All permit applications shall be submitted to the Town Administrative Office. All retailers shall be required to purchase a Permit for each retail location.

3-3. Application. The application for a permit under this Ordinance shall contain the following information: name, address, and telephone number of the applicant, the address of the location where the legal fireworks will be sold, the type of legal fireworks to be sold, the estimate of quantity of legal fireworks and a letter from the property owner granting permission to the applicant for use of said property. The application also must include a statement that the retail structure is in compliance with National Fire Protection Association Standard 1124.

3-4. An applicant for a permit under this Ordinance shall pay to the Town of White Bear the following fees, which shall not be refundable or pro-rated, per location;

3-4.1. Retailer Permit (retailer sells legal fireworks **and** other non-firework related retail items).....\$100.00

3-4.2. Exclusive Fireworks Retailer Permit (retailer sells legal fireworks only).....\$350.00

3-5. Following an inspection of the location where the legal fireworks are to be sold, the Town Board shall issue a Permit if the conditions for permit approval are satisfied and the location of the property is zoned either commercial or industrial.

3-6. No Permit shall be issued for any period of time in excess of one year, and any Permit may be revoked by the Town Board when it shall appear that the permittee has violated any of the provisions of this Ordinance or has engaged in activities contradictory to the best interest of the citizens of the Town. The Permit issued shall be non-transferable either to different persons or location.

3-6.1. All permits shall run from May 1st through April 30th of each year.

SECTION 4. RETAIL SALES OR STORAGE OF FIREWORKS: REGULATED ACTIVITIES.

4.1 The sale of legal fireworks shall only occur within structures and

temporary facilities that comply with National Fire Protection Association Standard 1124. No fireworks shall be sold at retail without a Permit. The Permit shall be posted at each location where the retail sale takes place and a list of all legal fireworks sold at the location shall be available upon request.

SECTION 5. EXPORTATION OF FIREWORKS FROM THE TOWN OF WHITE BEAR.

Nothing in this Ordinance shall prohibit wholesalers, distributors, importers, specialty retailers, or manufacturers from storing, selling, shipping or otherwise transporting fireworks by the United States Department of Transportation to any person or entity outside the Town of White Bear.

SECTION 6. DISPLAY AND DISCHARGE OF FIREWORKS.

6-1. Nothing in this Ordinance shall prohibit the public display of fireworks except that any individual, association, partnership, corporation, or organization shall secure a written permit from the Town and the fireworks shall be purchased from a distributor or display distributor licensed by the State Fire Marshal and the Bureau of Alcohol, Tobacco and Firearms at the United States Department of the Treasury.

6-2. All use, display, or discharge of legal fireworks is strictly prohibited in the area on, below, above, within, or in close proximity to:

6-2.1. recreational areas, roadways, streets, highways, bicycle lanes, pedestrian paths, sidewalks, rights of way, lakes, rivers, waterways and all other property owned or leased by the Town of White Bear, County of Ramsey, State of Minnesota and located in whole or in part within the Town limits;

6-2.2. private property within the Town limits that has conspicuously posted written signs or notices that no fireworks discharge is allowed;

6-2.3. within one hundred fifty (150) feet of any consumer fireworks retail sales facility or storage area;

6-2.4. within, into or at a motor vehicle or from a motor vehicle;

6-2.5. at or near any persons or animals;

6-2.6. any property, area or structure or material that by its physical condition or the physical conditions in which it is set would constitute a fire or personal safety hazard; and

6-2.7. upon order of the Fire Chief in the event of dry conditions within the Town limits.

SECTION 7. PENALTIES. Every person convicted of a violation of any provision of this Ordinance shall be punished as provided by Ordinance No. 26 (Maximum Fines).

SECTION 8. SEVERABILITY. Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part thereof, other than the part held to be invalid.

SECTION 9. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its passage and publication.

Passed by the Town Board of Supervisors of the Town of White Bear, Ramsey County, Minnesota this 4th day of August, 2003.

APPROVED:

ROBERT J. WEISENBURGER, Chairman

ATTEST:

WILLIAM F. SHORT, Clerk-Treasurer

Town Board of Supervisors:
Robert J. Weisenburger, Chair
Richard A. Sand, Supervisor
William R. Mample, Supervisor

Historical Notes

2006

Section 3-4, 3-6.1 amended April 17, 2006, and effective June 14, 2006 by Weisenburger (Chair), Sand and Mample; Short (Clerk-Treasurer).

2003

Ordinance, Title and Section 1, 2, 3, 4, 5, 6, 7, and 8 originally passed August 4, 2003 by Weisenburger (Chair), and effective September 3, 2003, Sand and Mample; Short (Clerk-Treasurer).