



GENERAL PLANNING/LAND USE PERMIT TEMPORARY SALES/STORAGE OF FIREWORKS

CHECKLIST

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED. IF A QUESTION
DOES NOT APPLY, PLEASE WRITE "N/A".

Property must be zoned C1, C3, or C4.

APPLICANT REQUIREMENTS (*Attach to this application*)

- \$100 Temporary Sales/Storage Fireworks License fee
\$100 General Planning Permit fee
\$200 = TOTAL
- A copy of certificate of insurance coverage as per Elk River City Ordinance Chapter 22, Section 22-253:
 - General liability, bodily injury, and property damage in the minimum amount of \$1 million single limit.
 - The City of Elk River shall be named as an additional insured on the policy.
- A list of fireworks that will be sold and/or stored along with the name, weight, quantity, and material safety data sheets (MSDS) shall be included.
- Site plan showing location and layout of temporary structure.
- Written narrative describing dates and times of sales, contact information, tent manufacturer, and how product will be stored.
- Signature or letter from property owner authorizing temporary fireworks sales from the proposed location.
- All other information as determined by city staff.

City Process

1. A background investigation will be completed on all applicants.
2. The Fire Department will inspect the proposed site to determine if it is a suitable location.
3. The Planning Department will consider approval of the General Planning Permit.
4. The request will go before the City Council for review once all of the items listed above have been completed.
5. City staff will notify the applicant of the City Council decision. If approved, a license form will be mailed that needs to be posted in a conspicuous location at the approved site.



Case Number: _____

General Planning Application Temporary Sales/Storage of Fireworks

Property Information

Address: _____ Parcel Number: 75 - _____ - _____

Legal Description: (attach if necessary)

Applicant Information

Name: _____ E-mail address: _____

Address: _____
Street City State Zip Code

Address of Fireworks Sales: _____

Dates of Fireworks Sales: _____

Phone: Business: _____ Fax: _____ Home/Cell: _____

Signature: _____ Date: _____

Property Owner Information

Name: _____ E-mail Address: _____

Address: _____
Street City State Zip Code

Phone: Business: _____ Fax: _____ Home/Cell: _____

Signature : _____ Date: _____

Agreement to Pay Costs of Review:

It is the policy of the City of Elk River to require applicants for land use approvals and licenses to reimburse the city for costs incurred by the city in reviewing and acting upon applications, so that these costs are not borne by the taxpayers of the city. These costs include all of the city's out-of-pocket costs for expenses, including the city's costs for review of the application by the city's environmental consultant, city engineer, city attorney, or other consultants, and city staff.

The city will bill the applicant for these costs as they are incurred, and payment will be due within thirty (30) days of mailing of the bill. If payment is not received as required by this agreement, the city will suspend the application review process and may deny the application for failure to comply with the requirements for processing the application. Payment for costs will be required whether the application is granted or denied.

The undersigned has received the city's policy regarding the payment of costs of review, understands that reimbursement to the city of costs incurred in reviewing the application will be required as set

forth in the policy, agrees to reimburse the city as required in the policy and make payment when billed by the city, and agrees that the application may be denied for failure to reimburse the city for costs as provided in the policy.

Fireworks are regulated by Minnesota Statutes 624.20-624.25. In addition to these state laws, all display, sales, storage, and use of fireworks shall comply with Elk River City Ordinance Section 22-231 through 22-253.

I understand and agree to comply with all the provisions of this application and the requirements of the issuing authority. I am 18 years of age or older. I hereby submit application for an Elk River Sales of Fireworks license and attest that all reported information is true and accurate.

Signature of applicant: _____ **Date:** _____

OFFICE USE ONLY

Date application complete: _____ Copy to planning: _____

The Fire Department has reviewed the application.

Approved Denied

Comments/Conditions:

Signature of Fire Chief/Designee: _____

Date: _____

General Planning Permit

Approved Denied

Comments/Conditions:

Signature of Planning Manager/Designee: _____

Date: _____

State of Minnesota License Applicant Information

Under Minnesota law (M.S. 270C.72, subd. 4), the agency issuing you this license is required to provide to the Minnesota Commissioner of Revenue your Minnesota business tax identification number and the Social Security number of each license applicant (person signing the application).

Under the Minnesota Government Data Practices Act and the Federal Privacy Act of 1974, we must advise you that:

- This information may be used to deny the issuance, renewal or transfer of your license if you owe the Minnesota Department of Revenue delinquent taxes, penalties, or interest;
- The licensing agency will supply it only to the Minnesota Department of Revenue. However, under the Federal Exchange of Information Act, the Department of Revenue is allowed to supply this information to the Internal Revenue Service;
- Failing to supply this information may jeopardize or delay the issuance of your license or processing your renewal application.

Please fill in the following information and return this form along with your application to the agency issuing the license. Do **not** return this form to the Department of Revenue.

(Please print or type)

TYPE OF LICENSE BEING APPLIED FOR OR RENEWED: Temporary Sales/Storage of Fireworks/General Planning Permit

LICENSING AUTHORITY: City of Elk River

Personal Information (required):

Applicant's last name	First name and initial	Social Security number
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Applicant's address	City	State	Zip Code
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Business Information (if applicable):

Business name

Business address	City	State	Zip Code
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Minnesota tax identification number: _____

If a Minnesota tax identification number is not required, please explain on the reverse side of this form.

Federal tax identification number: _____

Signature	Title	Date
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Certificate of Compliance Minnesota Workers' Compensation Law

PRINT IN INK OR TYPE.

Minnesota Statutes, Section 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business or engage in any activity in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of Minnesota Statutes, Chapter 176. The required workers' compensation insurance information is the name of the insurance company, the policy number, and the dates of coverage, or the permit to self-insure. If the required information is not provided or is falsely stated, it shall result in a \$2,000 penalty assessed against the applicant by the commissioner of the Department of Labor and Industry.

A valid workers' compensation policy must be kept in effect at all times by employers as required by law.

BUSINESS NAME (Individual name only if no company name used)	LICENSE OR PERMIT NO (if applicable)		
DBA (doing business as name) (if applicable)			
BUSINESS ADDRESS (PO Box must include street address)	CITY	STATE	ZIPCODE

YOUR LICENSE OR CERTIFICATE WILL NOT BE ISSUED WITHOUT THE FOLLOWING INFORMATION. You must complete number 1, 2, or 3 below.

NUMBER 1 COMPLETE THIS PORTION IF YOU ARE INSURED:

INSURANCE COMPANY NAME (not the insurance agent)		
WORKERS' COMPENSATION INSURANCE POLICY NO.	EFFECTIVE DATE	EXPIRATION DATE

NUMBER 2 COMPLETE THIS PORTION IF SELF-INSURED:

I have attached a copy of the permit to self-insure.

NUMBER 3 COMPLETE THIS PORTION IF EXEMPT:

I am not required to have workers' compensation insurance coverage because:

- I have no employees
- I have employees but they are not covered by the workers' compensation law. (See Minn. Stat. § 176.041 for a list of excluded employees.) Explain why your employees are not covered: _____
- Other: _____

ALL APPLICANTS COMPLETE THIS PORTION:

I certify that the information provided on this form is accurate and complete. If I am signing on behalf of a business, I certify that I am authorized to sign on behalf of the business.

APPLICANT SIGNATURE (mandatory)	TITLE	DATE
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NOTE: if your Workers' Compensation policy is cancelled within the license or permit period, you must notify the agency who issued the license or permit by resubmitting this form.
This material can be made available in different forms, such as large print, Braille or on a tape. To request, call 1-800-342-5354 (DIAL-DLI) Voice or TDD (651) 297-4198.

Number 1, 2, or 3 MUST be completed



CITY OF ELK RIVER
BACKGROUND INVESTIGATION CONSENT RELEASE
INFORMATION TO BE USED FOR BUSINESS LICENSE PROCESSING

As a license applicant, I hereby give my consent for a personal background investigation, to include a criminal history check, to be used in the determination of whether my application is to be approved. The results of such investigation shall be made public pursuant to appropriate City Council approval or denial of the license application. I understand that I am under no legal obligation to consent to such investigation, but that if I refuse to so consent, my application cannot be processed.

I release the City of Elk River and the Elk River Police Department, and any of its agents or employees, from any and all liability for its receipt and use of information and records received pursuant to this consent. I further acknowledge that I have carefully read this release, fully understand its terms and legal significance, and execute it voluntarily.

Business Name: _____ **Type of License Applied for:** _____

Applicant: _____
(First Name) (Full Middle Name) (Last Name)

Address: _____
(Address) (City) (State) (Zip)

Home Phone: () _____ **Business Phone:** () _____

Date of Birth: _____ **Place of Birth:** _____
(City) (State)

Drivers License or State ID#: _____ **State Issued:** _____

A copy of the driver's license or state ID must be attached (front and back)

Physical:

Sex _____ **Race** _____ **Ht** _____ **Wgt** _____ **Eyes** _____ **Hair** _____

List All Aliases/Previous Last Names: _____

List Complete Addresses of Any Prior Residence(s) in the Last 5 Years: *(attach additional sheets if necessary)*

Have you ever been convicted of a felony, gross misdemeanor, or misdemeanor?

Yes No If yes, state jurisdiction, type of violation, and disposition: _____

Applicant Signature: _____ **Date:** _____

These statements are true, correct, and are made with the knowledge that this information may be made public. False disclosures are subject to perjury proceedings and forfeiture of the license application.

OFFICE USE ONLY

Background Check/Investigation: Approved Denied

Comments: _____

Police Signature: _____ Date: _____



**APPLICATION FOR LICENSE INVOLVING
PRIVATE OR CONFIDENTIAL INFORMATION
(Tennessee Warning)**

In connection with your request for a license the City of Elk River has asked that you provide it with information about yourself which is classified as either *private* or *confidential* by the Minnesota Government Data Practices Act (M.S.A. 13.04). Accordingly, the City is required to inform you of the following:

1. The private or confidential information requested includes, but may not necessarily be limited to, the following: *Your social security number or Minnesota business identification number.*
2. The purpose and intended use of the information requested is: *To comply with Minnesota Statutes, Section 270.72.*
3. You are required to supply the requested information.
4. The known consequences of supplying the requested information is as follows: *Loss or denial of the requested license if you owe the State of Minnesota delinquent taxes, penalties or interest.*
5. The known consequences of refusing to supply the requested information is: *Your request for a license cannot be processed.*
6. The following persons and entities are authorized by law to receive the information if provided: *State of Minnesota - Department of Revenue and other government agencies as provided by law.*

The undersigned, by signing this notice, acknowledges that he/she has read and understood the contents of this notice.

Date

Signature of Applicant

Print Name

Retain this section for your records

EXHIBIT I

EXAMPLES OF LEGAL AND ILLEGAL FIREWORKS

<p>EXAMPLES OF FIREWORKS THAT ARE NOW LEGAL TO SELL, POSSESS, AND USE BY THE PUBLIC ON OR AFTER APRIL 30, 2002, AS PERMITTED BY MINNESOTA STATUTE 624.20 (c)</p>	<p>EXAMPLES OF FIREWORKS THAT CONTINUE TO BE ILLEGAL TO SELL, POSSESS, AND USE, EXCEPT AS PERMITTED UNDER MINNESOTA STATUTE 624.20</p>
<p>Wire or wood sparklers of not more than 100 grams of mixture per item</p> <p>Other sparkling items which are non-explosive and non-aerial and contain 75 grams or less of a chemical mixture per tube or a total of 500 grams or less for multiple tubes and include:</p> <ul style="list-style-type: none"> • <u>Cylindrical Fountain</u>-Upon ignition, a shower of colored sparks or smoke and sometimes a whistling effect is produced. • <u>Cone Fountain</u>-The effect is the same as that of a cylindrical fountain. When more than 1 cone is mounted on a common base, total pyrotechnic composition may not exceed 200 grams • <u>Illuminating Torch</u> • <u>Wheel</u>-Pyrotechnic device intended to be attached to a post or tree by means of a nail or string. Upon ignition, the wheel revolves, producing a shower of color and sparks and sometimes, a whistling effect. • <u>Ground Spinner</u>-Small device venting out an orifice usually on the side of the tube. Similar in operation to a wheel but intended to be placed flat on the ground and ignited. The rapidly spinning device produces a shower of sparks and color. • <u>Flitter Sparkler</u>-Narrow paper tube attached to a stick or wire that produces color and sparks upon ignition. The paper at one end of the tube is ignited to make the device function. • <u>Flash/Strobe</u>-Emit a bright light. <p>Novelty items such as snakes and glow worms, smoke devices, or trick noisemakers which include paper streamers, party poppers, string poppers, snappers, and snap pops, each consisting of not more than twenty-five hundredths grains of explosive mixture.</p>	<ul style="list-style-type: none"> • <u>Any fireworks that are explosive</u> • <u>Any fireworks that are aerial</u> <ul style="list-style-type: none"> • Firecrackers (any size) • Ladyfingers • Sky rockets • Bottle rockets • Missile type rockets • Helicopters, aerial spinners, planes, UFOs • Roman Candles • Mines or shells (heavy cardboard or paper tube(s) attached to a base – upon ignition stars, balls or reports are propelled into the air) • Chasers • Parachutes • 1.3G display (special or class B) fireworks • Aerial shells • Theatrical pyrotechnics (see MN Stat. 624.20 to 624.25) <p>Basically, any fireworks listed above are still not legal for public sale, possession, or use, except with a permit and by a certified operator according to MN Statute 624.20 (i.e.; these fireworks are still not legal unless a permit has been issued by the local jurisdiction and they are used by a state certified operator)</p>

ARTICLE VI. FIREWORKS
Retain this section for your records

DIVISION 1. GENERALLY

Sec. 22-231. Violations.

- (a) Any violation of state statutes regarding fireworks or this article will result in the revocation of any permit to sell or store fireworks.
- (b) Materials that violate state statutes or this article may be confiscated and destroyed. Costs associated with disposal shall be paid by the violator and/or be assessed back to the property.

(Ord. No. 02-08, § 1(209.12), 5-28-2002)

Sec. 22-232. Discharge rules and regulations.

- (a) It is unlawful to use or discharge any fireworks along a parade route prior to, during or after any parade, or at any place of public assembly, parks or government property.
- (b) It is unlawful at any time to throw or toss any fireworks at any person, animal, vehicle or other thing or object.
- (c) The discharge of fireworks shall be prohibited within 100 feet of any building in which fireworks are sold or stored.
- (d) Fireworks may only be discharged in an area with a water source connected to a hose, fire extinguisher and/or other means of putting out a fire that is acceptable to the fire chief or his designee.
- (e) The fire chief or his designee may ban fireworks for any period of time for any public safety reason.
- (f) No one under the age of 18 years may possess fireworks unless under the direct supervision of a responsible adult.

(Ord. No. 02-08, § 1(209.10), 5-28-2002)

Sec. 22-233. Governing regulations.

Fireworks are regulated by Minn. Stats. §§ 624.20, 624.25. In addition to these state laws, all display, sales, storage, and use of fireworks shall comply with this article. A list of the legal and illegal fireworks is attached to the ordinance from which this article is derived.

(Ord. No. 02-08, § 1(209.00), 5-28-2002)

Sec. 22-234. Acts prohibited without permit.

No person shall do any of the following without obtaining a fireworks permit, and if selling outside, a general planning permit:

- (1) Store or sell any fireworks;
- (2) Make a public display of fireworks.

(Ord. No. 02-08, § 1(209.02), 5-28-2002) (Ord. No. 05-10, 4-18-2005)

Secs. 22-235--22-250. Reserved.

DIVISION 2. PERMIT

Sec. 22-251. Permit application.

- (a) The application for a permit to store or sell fireworks shall be made to the city clerk or his designee.
- (b) A criminal record check will be done on all applicants.
- (c) The fire chief or his designee will inspect the proposed location for selling and/or storing fireworks to determine if it is a suitable location.
- (d) The fire chief or his designee will determine if the applicant is competent and trained to handle fireworks.
- (e) The application for a permit must include:
 - (1) A letter from the property owner granting permission to the applicant to sell and/or store fireworks on the property.
 - (2) A floor plan designating the area where the fireworks will be sold and/or stored.
 - (3) A list of the fireworks that will be sold. The list must include the name, weight, quantity and material safety data sheets.
 - (4) A certificate of insurance coverage as set forth in section 22-253(2).

(Ord. No. 02-08, § 1(209.04), 5-28-2002)

Sec. 22-252. Permit fee.

The fee for a permit to store or sell fireworks and if necessary a general planning permit shall be that as provided in the current city fee schedule resolution.

(Ord. No. 02-08, § 1(209.06), 5-28-2002) (Ord. No. 05-10, 4-18-2005)

Sec. 22-253. Terms and conditions for issuance of permit.

A permit for the storage and/or retail sale of fireworks shall be issued only upon the following terms and conditions:

- (1) The applicant shall not have been convicted of a crime of violence as defined by Minn. Stats. § 624.712, subd. 5 or any fire/fireworks related crime within the last five years.
- (2) The applicant shall maintain general liability, bodily injury and property damage insurance approved by the city in the minimum amount of \$1,000,000.00 single limit. The city shall be named as an additional insured. Certificates of coverage shall be filed with the city clerk with the application.
- (3) The sale of fireworks shall occur only on property zoned C1 central business district, C3 highway commercial, and C4 neighborhood commercial. No sale of fireworks shall occur on property zoned residential or properties used for educational or assembly purposes. Transient sales of fireworks are not permitted.
- (4) When the sale of fireworks is from a truck, trailer, tent or other facility that is temporary in nature, a general planning permit is required, as well as a fireworks permit. Also, the following standards shall be met for the issuance of a general planning permit:
 - No electrical services shall be across any drive or walking surface.

- The sale of fireworks must be at least 50 feet from any fuel dispensing equipment.
- If traffic becomes a problem around the temporary site, the sales area shall be delineated with a barrier to restrict traffic.
- The sales tent shall be maintained free of debris and kept in an orderly condition.
- The location of the tent is consistent with the submitted site plan and meets all fire codes.
- The tent shall be removed within one week of the end of the sales period and the site be returned to its previous condition.

Other standards may be required on a site-by-site basis.

- (5) Fireworks sales and/or storage areas shall have signs designated "no smoking" in red letters not less than two inches in height on white background. All signs shall be maintained in legible condition. Signage must be approved by the fire chief or his designee.
- (6) The discharge of fireworks shall be prohibited within 100 feet of any building in which fireworks are being sold or stored.
- (7) Each permit holder shall have at least two water-type or equivalent fire extinguishers of not less than 2 1/2-gallon capacity in the area where the fireworks are sold or stored.
- (8) There shall be at least two exits from all buildings where fireworks are being sold or stored.
- (9) In buildings without an approved automatic sprinkler system, fireworks sales displays and/or storage shall be limited to 50 pounds net pyrotechnic composition or 200 pounds gross weight, if the pyrotechnic composition weight is not known.
- (10) In buildings with an approved automatic sprinkler system, fireworks sales displays and/or storage shall be limited to 100 pounds net pyrotechnic composition or 400 pounds gross weight, if the pyrotechnic composition weight is not known.
- (11) A list of all fireworks displayed for sale and stored on the property must be posted in a conspicuous location near the display/storage area. The list shall include the name, weight and quantity of the fireworks and shall be accompanied by the material safety data sheets. Upon request, samples of the fireworks shall be made available to the fire chief or his designee for testing.
- (12) A permit granted pursuant to this division is not transferable.
- (13) Fireworks shall not be sold to people less than 18 years of age.

(Ord. No. 02-08, § 1(209.08), 5-28-2002) (Ord. No. 05-10, 4-18-2005)