

## CHAPTER 94: FIREWORKS AND OTHER DANGEROUS ARTICLES

### Section

- 94.01 Acts prohibited; exception
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### § 94.01 ACTS PROHIBITED; EXCEPTION.

(A) It is unlawful for any person to:

- (1) Recklessly handle or use a gun or other dangerous weapon or explosive so as to endanger the safety of another;
- (2) Intentionally point a gun of any kind, capable of injuring or killing a human being and whether loaded or unloaded, at or toward another;
- (3) Manufacture or sell for any unlawful purpose any weapon known as a slung-shot or sand club;
- (4) Manufacture, transfer or possess metal knuckles or a switch-blade knife opening automatically;
- (5) Possess any other dangerous article or substance for the purpose of being used unlawfully as a weapon against another;
- (6) Sell or have in his or her possession any device designed to silence or muffle the discharge of a firearm;
- (7) Permit, as a parent or guardian, any child under 14 years of age to handle or use, outside of the parent's or guardian's presence, a firearm or air gun of any kind, or any ammunition or explosive; or
- (8) Furnish a minor under 18 years of age with a firearm, air gun, ammunition or explosive without the written consent of his or her parent or guardian or of the Police Department.

(B) Nothing in division (A) above shall prohibit the possession of the articles therein mentioned if the purpose of the possession is for public exhibition by museums or collectors of art.  
(Prior Code, § 10.10) Penalty, see § 10.99

#### § 94.02 DISCHARGE OF FIREARMS AND EXPLOSIVES; EXCEPTION.

(A) It is unlawful for any person to fire or discharge any cannon, gun, pistol or other firearm, firecracker, sky rocket or other fireworks, air gun, air rifle or other similar device commonly referred to as a BB gun. It is equally unlawful to fire or discharge any prohibited object or device whether it is fired or discharged within the city, or from a point without the city into the city.

(B) Nothing in division (A) above shall apply to a display of fireworks by an organization or group of organizations authorized in writing by the Council, or to a peace officer in the discharge of his or her duty, or to a person in the lawful defense of his or her person or family. This section shall not apply to the discharge of firearms in a range authorized in writing by the Council.  
(Prior Code, § 10.10) Penalty, see § 10.99

#### § 94.03 CONSUMER FIREWORKS; SALE, STORAGE, POSSESSION AND USE.

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

**CONSUMER FIREWORKS.** Fireworks held for retail sale to consumers pursuant to state statutes.

#### **FIREWORKS.**

(a) Any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, which shall include, but not be limited to, blank cartridges, toy cannons and toy canes in which explosives are used; any type of balloon which requires fire underneath to propel it; firecrackers, torpedoes, skyrockets, Roman candles, daygo bombs, sparklers other than those specified in division (B) below, or other fireworks of like construction; and any fireworks containing any explosive or inflammable compounds; or any tablets or other device containing any explosive substance and commonly used as **FIREWORKS**.

(b) The term **FIREWORKS** shall not include 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.

(c) The term **FIREWORKS** also does not 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 or trick noisemakers which include paper streamers, party poppers, string poppers, sappers and drop pops, each consisting of not more than 25/100 grains of explosive mixture.

(B) *Permit required.*

(1) *Fireworks.* No person shall use or display any fireworks unless the person is an operator certified by the State Fire Marshal. State law does not allow private displays of fireworks. A permit is required for any and all public displays. The permits shall allow the use and display of fireworks for that display only. No permit so granted shall be transferable.

(a) *Application.* The application shall state the name and address of the person who will supervise the display, the name and address of the person who will conduct the display, the location of the display and the date and time of the display. The application shall be filed not less than 15 days prior to the event.

(b) *Investigation.* The Fire Chief shall investigate each application to determine whether the operator of the display is competent and whether the display will be of a character or will be so located, discharged or fired as to be hazardous to any person or property.

(c) *Conditions.* Every display shall be conducted so as not to endanger any person or property. Every display shall be conducted in accordance with all applicable provisions of this code, state law and regulations, including regulations of the State Fire Marshal.

(2) *Consumer fireworks.* No person or business shall, directly or indirectly, keep for retail sale, sell at retail or otherwise dispose of consumer fireworks unless first receiving a permit from the city. A permit application shall be submitted to the city together with the permit fees as determined, from time to time, by City Council resolution. A permit shall be issued for the specific premises identified in the application.

(a) *Application.* The applicant shall provide:

1. The net gross quantity of explosive material to be kept on the premises for retail sale or other disposition;
2. The interior floor plan of the building showing the place(s) of storage and/or display;
3. The location, type and capacity of sprinkler(s) and fire extinguishers; and
4. A certificate of insurance indicating the applicant has liability coverage. The certificate must demonstrate that the insurer has been notified of the type and quantity of consumer fireworks kept on the premises.

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(b) *Term.* A permit shall expire on December 31 of each year.

(c) *Permit restrictions.* A permit shall be issued subject to the following restrictions.

1. No transient sales of consumer fireworks are permitted.
2. No outdoor sales, storage or retail display of consumer fireworks are permitted.
3. Use of fireworks and consumer fireworks is prohibited on property where sale and/or storage of consumer fireworks is permitted.
4. Smoking is prohibited within buildings where sale and/or storage of consumer fireworks is permitted.
5. A list of consumer fireworks kept on the premises shall be available for inspection at all times.
6. Material safety data sheets (MSDS) for all consumer fireworks kept on the premises shall be available for inspection at all times.
7. A minimum of two water-type extinguishers, with a minimum of two and one-half gallon capacity each, shall be kept within 15 feet of the storage and display area(s).

(C) *Storage.* The permit holder shall comply with all applicable provisions of the State Building and Fire Codes. If there is a conflict between the regulations of the state and the regulations of the city, the more restrictive regulation shall control.

(1) In buildings without an approved automatic sprinkler system, a maximum quantity of 50 pounds net pyrotechnic composition or 200 pounds gross weight, if the pyrotechnic composition is not known, may be kept on the premises.

(2) In buildings with an approved automatic sprinkler system, a maximum quantity of 100 pounds net pyrotechnic composition or 400 pounds gross weight, if the pyrotechnic composition is not known, may be kept on the premises.

(D) *Inspections.* The premises shall be inspected at least twice annually by the Fire Chief or City Fire Marshal to verify compliance with the terms and conditions of the permit.

(Prior Code, § 10.10) (Ord. 123, 2nd Series, eff. 5-20-2003) Penalty, see § 10.99

**§ 94.04 EXPOSURE OF UNUSED CONTAINER.**

It is unlawful for any person, being the owner or in possession or control thereof, to permit an unused refrigerator, ice box or other container, sufficiently large to retain any child and with doors

which fasten automatically when closed, to expose the same accessible to children, without removing the doors, lids, hinges or latches.

(Prior Code, § 10.10) Penalty, see § 10.99

**§ 94.05 USE OF BOW AND ARROW.**

It is unlawful for any person to shoot a bow and arrow, except in a physical education program in a school supervised by a member of its faculty, a community-wide supervised class or event specifically authorized by the Chief of Police or a bow and arrow range authorized by the Council.

(Prior Code, § 10.10) Penalty, see § 10.99

