



# City of New Hope Business Licensing

4401 Xylon Ave N • New Hope MN 55428 • Phone: 763-531-5123 • newhopemn.gov

## Fireworks Application

Business Name/Address: \_\_\_\_\_

I, \_\_\_\_\_, have reviewed Section 8-40 of the New Hope City Code and agree to the conditions specified.

I have attached the following documents to this form:

- Business License Application
- West Metro Fire-Rescue District Fireworks Supplemental Application
- Certificate of Compliance – Minnesota Workers’ Compensation Law
- Tax Identification Form
- Certificate of Insurance as specified per 8-40(e)
- Payment of \$100 license fee
- Sign Permit Application (if applicable)

Tent Applicants Only

- Admin Permit Application-Commercial
- Certificate demonstrating that the tent meets NFPA 102 standards

I own the business premise.  Yes  No If not, I have provided a true and correct copy of the current, executed lease, as well as the written authorization of the property owner for use of the property for the sale of permitted fireworks.

Description of the type of consumer fireworks that will be sold per 8-40(d):

\_\_\_\_\_  
\_\_\_\_\_

Estimated quantity of consumer fireworks that will be stored on the licensed premises:

\_\_\_\_\_

Applicant’s Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Approvals: \_\_\_\_ Fire Department \_\_\_\_ Community Development Date License Issued: \_\_\_\_

- West Metro Fire-Rescue District Fireworks Tent Compliance Checklist received from WMFRD

Comments:

\_\_\_\_\_  
\_\_\_\_\_





# Fireworks Supplemental Application

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## All Applicants

1. If located in a permanent building, provide information on what type of fire protection is provided in the building. (i.e. sprinkler and fire alarm system)

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2. Please estimate the quantity of fireworks that will be stored on the licensed premises. The total quantity of consumer fireworks on hand should not exceed 125 pounds of pyrotechnic composition or, must be located in a building that is protected throughout with an approved automatic sprinkler system installed in accordance with NFPA 13. When the actual weight of the pyrotechnic composition of consumer fireworks is not known, 25% of the gross weight of the consumer fireworks, including packaging, shall be permitted to be used to determine the weight of the composition.

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3. **TRAINING:** By signing below, I certify that I have provided a level of safety training appropriate to the types of fireworks being sold to all store personnel handling consumer fireworks.
4. **ON SITE:** Make sure records of the available inventory are maintained on the premises. These will be verified at the final inspection.
5. **ATTACH:** Show the ratings in the building construction to verify the NFPA 1124 requirements are met (especially fireworks storage areas). Provide tent information, if applicable.

## Existing Retail Store Applicants Only

6. **ATTACH:** A floor plan showing the location of the fireworks display.

## Tent or Dedicated Building Applicants Only

7. Hours of operation (emergency lighting and illuminated exit signage are required if open after dusk):

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8. The fireworks will be secured when closed for business and unattended as follows:

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# West Metro Fire-Rescue District

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## Fireworks Supplemental Application

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9. Generators will be used.  Yes  No If yes, the generators are limited to a 5-gallon fuel capacity and must be located at least 20 feet from the tent and depicted on the site plan.

10. **ATTACH:**

- A site plan to scale showing the following for the entire lot: public right of ways, buildings, vehicle access, parking spaces, clearance to combustibles and fire department access for buildings (must be within 150 feet). Illustrate the distance from tent sales to nearest buildings.
- A drawing depicting the size of the building or tent structure. This will play a factor in NFPA 1124 to determine if the structure complies with temporary or permanent structure requirements.
- A floor plan of the area either to scale or showing measurements for the following: location and type of fire extinguishers, layout and height of displays (maximum of 6 feet high, perimeter maximum of 12 feet high), firebreaks, aisle width, construction details of tent (conforms to NFPA 102), fire exits and signage.
- Information on shelving. Depict on the floor plan and provide detailed information on how and where the flame breaks will be located and how the shelving will be constructed.

11. **ON SITE:**

- The following signs are posted:
  - On all sides of exterior/interior of tent: "NO FIREWORKS DISCHARGE WITHIN 300 FEET"
  - At each entrance: "FIREWORKS – NO SMOKING"
  - At each exit: "EXIT"
- Tent Compliance Checklist ready for your inspection, the fire marshal will request it

12. My signature certifies that I have reviewed the Fireworks Tent Compliance Checklist and the tent meets all code requirements, as I understand them.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

Contacts:

*West Metro Fire-Rescue District*

Jon Jaeger, Fire Inspector/Lieutenant                      763-230-7008  
Shelby Wolf, Fire Inspector/Deputy Fire Marshal        763-230-7006

*City of New Hope*

Walker Crawford, Licensing Clerk    (763) 531-5123

# Certificate of Compliance

## Minnesota Workers' Compensation Law

This form must be completed by the business license applicant.

**Print in ink or type**

Minnesota Statutes § 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of Minn. Stat. chapter 176. 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.

License or certificate number (if applicable)	Business telephone number	Alternate telephone number
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Business name (Provide the legal name of the business entity. If the business is a sole proprietor or partnership, provide the owner's name(s), for example John Doe, or John Doe and Jane Doe.)

DBA ("doing business as" or "also known as" an assumed name), if applicable

Business address (must be physical street address, no P.O. boxes)	City	State	ZIP code
County	Email address		

**You must complete number 1 or 2 below.**

**Note:** You must resubmit this form to the authority issuing your license if any of the information you have provided changes.

**1.  I have a workers' compensation insurance policy.**

Insurance company name (not the insurance agent)		
Policy number	Effective date	Expiration date

**I am self-insured for workers' compensation.** (Attach a copy of the authorization to self-insure from the Minnesota Department of Commerce; see [www.mn.gov/commerce/industries/insurance/licensing/self-insurance](http://www.mn.gov/commerce/industries/insurance/licensing/self-insurance).)

**2. I am not required to have workers' compensation insurance because:**

- I only use independent contractors and do not have employees. (See [Minn. Stat. § 176.043](#) for trucking and messenger courier industries; [Minn. Stat. § 181.723, subd. 4](#), for building construction; and [Minnesota Rules chapter 5224](#) for other industries.)
- I do not use independent contractors and have no employees. (See [Minn. Stat. § 176.011, subd. 9](#), for the definition of an employee.)
- I use independent contractors and I have employees who are not required to be covered by the workers' compensation law. (Explain below.)
- I only have employees who are not required to be covered by the workers' compensation law. (Explain below.) (See [Minn. Stat. § 176.041](#) for a list of excluded employees.)

Explain why your employees are not required to be covered

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

**Print name**

Applicant signature (required)	Title	Date
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If you have questions about completing this form or to request this form in Braille, large print or audio, call (651) 284-5032 or 1-800-342-5354.



# City of New Hope Business Licensing

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## Tax Identification Form

Pursuant to laws of Minnesota, 2016, (270C.72) (Tax Clearance; Issuance of Licenses), the licensing authority 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.

Under the Minnesota Government Data Practices Act and the Federal Privacy Act of 1974, the city is required to advise you of the following regarding the use of this information:

1. This information may be used to deny the issuance or renewal of your license in the event that you owe Minnesota sales, employer's withholding or motor vehicle excise taxes.
2. Upon receiving this information, the licensing authority will supply it only to the Minnesota Department of Revenue. However, under the Federal Exchange of Information Agreement the Department of Revenue may supply this information to the Internal Revenue Service.
3. **Failure to supply this information may jeopardize or delay the processing of your application.**

Please supply the following information and return along with your application to the licensing authority.

\_\_\_\_\_  
Business Owner's Last Name

\_\_\_\_\_  
Business Owner's First Name and Middle Initial

\_\_\_\_\_  
Business Owner's Address

\_\_\_\_\_  
City, State and Zip Code

\_\_\_\_\_  
Business Owner's Social Security Number

\_\_\_\_\_  
Position (Officer, Partner, etc.)

\_\_\_\_\_  
Business Name

\_\_\_\_\_  
Business DBA

\_\_\_\_\_  
Business Address

\_\_\_\_\_  
City, State and Zip Code

\_\_\_\_\_  
Minnesota Tax Identification Number

\_\_\_\_\_  
Federal Tax Identification Number

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date





# City of New Hope Community Development

4401 Xylon Ave N • New Hope MN 55428 • Phone: 763-531-5127 • Fax: 763-531-5136 • ci.new-hope.mn.us

## Admin Permit Application-Commercial

**Job Address** \_\_\_\_\_

**Property Owner** *If different than above*

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Cell \_\_\_\_\_

**Builder**

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

**Tenant**

Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

Permit # \_\_\_\_\_

Received Application \_\_\_\_\_

Received Payment \_\_\_\_\_

*For Office Use*

**Type of Structure**

- Bank
- Gas Station
- Restaurant
- Retail

**Type of Work**

- Drive-thru Lane
- Outdoor Storage/Sales
- Outdoor Dining
- Landscaping/Accessory Building
- LP Storage/Sales
- Retail Sales
- Site Change, Small Add/Façade
- Other \_\_\_\_\_

Describe Work \_\_\_\_\_

Value of Work Including Labor \_\_\_\_\_ Zoning District \_\_\_\_\_

**Required Inspections** *Completed by city staff*

Building Permit Required  Yes  No

Approved By Zoning Administrator \_\_\_\_\_

Date \_\_\_\_\_

Approved By Director of Community Development \_\_\_\_\_

Date \_\_\_\_\_

**Fee Schedule**

Administrative Permit \$100

**Fees**

Permit Fee	\$100.00
<b>Fees Due Upon Application</b>	<b>\$100.00</b>

**Notice**

Detailed description of necessary information and documents to submit when filing as follows:

1. Lot survey (any scale) or accurate site plan (scale 1"=20' or 1"=30').
2. Floor plan and section view of existing and proposed building (scale 1/4"=1').
3. Narrative description of proposed work, signed by tenant.
4. Shipping, trucking, lot-striping proposal with specific information on entrances, parking, traffic, equipment, signs, lighting, etc.

➡ **Property Owner Signature** \_\_\_\_\_

**Date of Application** \_\_\_\_\_

➡ **Tenant Signature** \_\_\_\_\_

**Date of Application** \_\_\_\_\_

**Payment** *Make checks payable to City of New Hope or complete information below*

Name (print) \_\_\_\_\_

Signature \_\_\_\_\_

Billing Address \_\_\_\_\_

Credit Card Account Number \_\_\_\_\_

Expiration Date \_\_\_\_\_





# West Metro Fire-Rescue District

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## Fireworks Tent Compliance Checklist

Property Address:		
Yes/No/N/A	Description	NFPA #
	Permit/license for tent sales	7.3.1(b)
	If a tent, conforms to NFPA 102	7.4.1(2)
	If a building, conforms to building construction type. Proper fire barriers in place and no penetrations through fire barriers (single and multiple tenant buildings).	7.3.5
	Proper fire protection equipment in the building	7.4.5
	Retail area for fireworks is within 150 feet of fire department access	7.6.1
	Area within 30 feet of retail area of fireworks is free of dry grass, brush and combustibles	7.6.2
	No storage vehicle or trailer within 10 feet of retail area for fireworks	7.6.3
	Retail area for fireworks is 20 feet from other buildings	7.7.2
	No smoking within 50 feet of retail area for fireworks	7.6.5.1
	Retail area for fireworks is 20 feet from combustibles	7.7.2
	Retail area for fireworks is 20 feet from other tents	7.7.2
	Retail area for fireworks is 10 feet from vehicle parking	7.7.2
	Fireworks shall not be ignited or discharged within 300 feet of the retail firework area	7.6.4.1
	Retail area for fireworks is 50 feet from propane sales, gas pumps, above ground flammable liquids/gas tanks, natural gas facilities	7.7.3.1
	Tent is 300 feet from bulk storage or dispensing of flammable gas and liquids	7.7.3.2
	Sign on each side of exterior of tent, (letters minimum of 4 inches high), <b>NO FIREWORKS DISCHARGE WITHIN 300 FEET</b>	7.6.4.2
	Sign at each entrance, (letters minimum of 2 inches high), <b>FIREWORKS - NO SMOKING</b>	7.6.5.2
	Distance to any extinguisher no more than 35 feet	7.5.2.3.2
	One extinguisher - pressure water minimum 2A	7.5.2.2
	One extinguisher - dry chemical minimum 2A	7.5.2.2.2
	Minimum of 2 exits	7.8.3.2
	Maximum distance to any exit is 75 feet	7.8.4.1
	Tent exit openings a minimum of 44 inches wide	7.8.6.2
	Egress door that has a latching device provided with panic hardware complying with NFPA 101	7.3.14.4.2
	Means of egress doors the side-hinge swinging type and arranged to swing in	7.3.14.4.3



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## Fireworks Tent Compliance Checklist

	the direction of egress travel	
	Exits marked with approved exit signs ( <b>if open at dusk shall be illuminated with emergency lighting</b> )	7.9.1.1
	No dead-end aisles	7.8.5.3.4
	Other required exits located at, or within 10 feet of, the end of an aisle or cross-aisle	7.3.14.3.2.2
	Aisles terminate at an exit, another aisle or cross-aisle	7.3.14.3.2.3
	Aisles a minimum of 48 inches wide	7.8.5.1.1
	Aisles unobstructed	7.8.5.1.2
	Where cross-aisles are required, not less than one cross-aisle with at least one end terminating at or within 10 feet of an exit	7.3.14.3.2.7
	Height of merchandise displays no higher than 6 feet	7.10.2
	Where located along the perimeter of the consumer fireworks retail sales area, the maximum height of sales displays are limited to 12 feet	7.3.15.2.2
	Where continuous displays of consumer fireworks are located on shelving, cases, counters and similar fixtures, a flame break is provided so that the maximum distance between flame breaks does not exceed 16 feet where measured along the length of the display	7.3.15.3.1
	Freestanding displays without flame breaks meet the following requirement: the dimensions of the area occupied by the fireworks merchandise does not exceed 4 feet in width, 8 feet in length and 6 feet in height, and the displayed firework merchandise is separated from other displays of merchandise by aisles having a minimum clear width of 4 feet	7.3.15.3.7
	No more than 32 feet of merchandise between flame breaks	7.10.3.1
	Shelving meets appropriate requirements per NFPA 1124	7.3.15.4
	All fuses are covered per NFPA 1124	7.3.15.5
	In an enclosed building or structure, no consumer fireworks are displayed for sale or stored within 5 feet of any public/private entrance	7.3.19.2.1
	Tent supervised 24 hours or secured while unoccupied or closed	7.3.19.3
	Temporary electrical wiring must meet NFPA 70, NEC	7.11.1
	Temporary wiring protected as required	7.4.9.1
	Generators minimum of 20 feet from tent	7.11.3.2
	Generator limited to 5 gallons of fuel	7.11.3.3
	General maintenance and upkeep is evident	7.3.21
	Available inventory records are maintained on the premises	7.3.24.1

WMFRD Personnel Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*Submit to business license clerk for issuance of city license*

<p>EXAMPLES OF FIREWORKS THAT ARE <b>NOW LEGAL</b> 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 <b>CONTINUE TO BE ILLEGAL</b> TO SELL POSSESS AND USE, EXCEPT AS PERMITTED UNDER MINNESOTA STATUTE 624.20</p>
<p><b>Wire or wood sparklers</b> of not more than 100 grams of mixture per item</p> <p><b>Other sparkling items</b> which are nonexplosive and nonaerial and contain 75 grams or less of chemical mixture per tube or a total of 500 grams or less for multiple tubes and include:</p> <ul style="list-style-type: none"> <li>• <u>Cylindrical fountain</u> Upon ignition, a shower of colored sparks or smoke and sometimes a whistling effect is produced.</li> <li>• <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 500 grams</li> <li>• <u>Illuminating Torch</u></li> <li>• <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</li> <li>• <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.</li> <li>• <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.</li> <li>• <u>Flash/Strobe</u> - Emit a bright light</li> </ul> <p><b>Novelty items</b> such as 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.</p>	<ul style="list-style-type: none"> <li>• <u>Any fireworks that are explosive</u></li> <li>• <u>Any fireworks that are aerial</u></li> </ul> <ul style="list-style-type: none"> <li>• Firecrackers (any size)</li> <li>• Ladyfingers</li> <li>• Sky rockets</li> <li>• Bottle rockets</li> <li>• Missile type rockets</li> <li>• Helicopters, aerial spinners, planes, UFOs</li> <li>• Roman Candles</li> <li>• Mines or shells (heavy cardboard or paper tube(s) attached to a base – upon ignition stars, balls or reports are propelled into the air)</li> <li>• Chasers</li> <li>• Parachutes</li> <li>• 1.3G Display (special or class B) Fireworks</li> <li>• Aerial shells</li> <li>• Theatrical pyrotechnics (see Minn. Stat. 624.20 to 624.25)</li> </ul> <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 Minnesota 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>

Sec. 8-40. - Regulation of the sale of fireworks.

- (a) *Purpose.* The purpose of this section is to regulate the sale of permitted consumer fireworks in order to protect the health, safety and welfare of the general public. The city council makes the following findings regarding the need to license and regulate the sale, distribution, storage and display of fireworks permitted under state law:
  - (1) Consumer fireworks contain pyrotechnic chemical compositions that are combustible; accordingly, the unregulated accumulation, storage, display and sale of these items present fire safety hazard; and
  - (2) The improper disposal of consumer fireworks presents environmental hazards; and
  - (3) Due to their short-term and mobile nature, it is more difficult and demanding of city staff and public safety resources to enforce compliance with city ordinances and state law for temporary and transient sales of consumer fireworks that it is for established, permanent business.
- (b) *Required license for sale of fireworks.* It is unlawful to sell fireworks in the city in violation of Minn. Stat. §§ 624.20 through 624.25, inclusive, which are adopted by reference. "Consumer fireworks" as defined in this section may, however, be sold upon issuance of a license issued by the city.
- (c) *Consumer fireworks defined.* For the purposes of this section, "consumer fireworks" is defined to mean 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 of a total of 200 grams or less for multiple tubes, snakes and glow worms, smoke devises, or trick noisemakers which include paper streamers, party poppers, string poppers, snappers and drop pops, each consisting of not more than 25 hundredths grains of explosive mixture.
- (d) *Application.* The application for a license shall contain the following information: name, address and telephone number of applicant; the address of the location where fireworks will be sold; the type of consumer fireworks to be sold; and the estimated quantity of consumer fireworks that will be stored on the license premises. No license shall be issued for the sale of permitted consumer fireworks at a place of business not in compliance with the National Fire Protection Association (NFPA) Standard 1124 (2006 Edition).
- (e) *Insurance required.* All licensees must have at all times a valid certificate of insurance issued by an insurance company licensed to do business in the state, evidencing that the applicant's use of the property is currently covered by a liability insurance policy. The minimum limits of coverage for such insurance shall be:
  - (1) At least \$200,000.00 for each claim; and
  - (2) At least \$500,000.00 for each incident.
  - (3) Such insurance shall be kept in force during the term of the license and the licensee must provide for prior notification to the city should the policy be terminated or canceled. A certificate of insurance must accompany all initial and renewal license applications.
- (f) *Processing application.* The application must be filed with the city clerk together with the license fee. Following an inspection of the premises proposed to be licensed, the city manager or his/her designee shall issue the license if the conditions for license approval are satisfied and the location is properly zoned. If the city manager or his/her designee denies the license application, the applicant may, within ten days, appeal the decision to the city council.
- (g) *Conditions of license.* The license shall be issued subject to the following conditions:
  - (1) The license is nontransferable, either to a different person or location.
  - (2) The licensed premises must be in compliance with the National Fire Protection Association (NFPA) Standard 1124 (2006 edition).
  - (3) The license must be publicly displayed on the licensed premises.

- (4) The premises are subject to inspection by city employees during normal business hours.
  - (5) The applicant must be at least 18 years of age.
  - (6) If the applicant does not own the business premises, a true and correct copy of the current, executed lease, as well as the written authorization of the property owner for the applicant's use of the property for the sale of permitted fireworks.
  - (7) The sale of consumer fireworks must be allowed by the zoning ordinance and must comply with all zoning ordinance requirements including signs.
  - (8) The applicant shall not have had a license to sell fireworks revoked within the last three years.
  - (9) The premises must be in compliance with the state building code and state fire code.
- (h) *License period/fee.* Licenses shall be issued for a calendar year and must be renewed annually per section 8-2(c) of this Code. The initial fee and renewal fee shall be as set forth in section 14-10 of this Code.
- (i) *Revocation of license.* Following written notice and an opportunity for a hearing, the city manager or his/her designee may revoke a license for violation of this section or state law concerning the sale, use or possession of fireworks. If a license is revoked, neither the applicant nor the licensed premises may obtain a license for 12 months. If the city manager or his/her designee revokes a license, the license holder may within ten days appeal the decision to the city council.

(Ord. No. 15-01, §§ 1, 2, 2-9-2015)