

3. verify that the pledgor has automobile insurance on the motor vehicle as required by law.
- B. A pawnbroker may not sell a motor vehicle covered by a pawn transaction until 90 days after recovery of the motor vehicle.

**Subd. 21. Penalty.** A violation of this Section shall be a misdemeanor under Minnesota law.

## **SECTION 420.01. FIREWORKS.**

**Subd. 1. Purpose and Findings.** Due to the inherent risks of fire and injury to persons and property associated with the sale, possession and use of fireworks, the Council has determined that it is necessary and in the interest of public health, safety and welfare to establish reasonable regulations concerning fireworks.

**Subd. 2. Definition.** For the purpose of this Section, “consumer fireworks” are defined as wire or wood sparklers of not more than 100 grams of mixture per item, other sparkling items which are non-explosive 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.

### **Subd. 3. License Provisions.**

- A. Sale of Fireworks. It is unlawful for any person to sell, offer for sale, expose for sale, or sell at retail or wholesale, any consumer fireworks in the City without a license.
- B. Provisions of State Law Adopted. The sale, use and possession of all fireworks in violation of Minn. Statute § 624.20 through 624.25 inclusive, which statutory provisions are adopted herein by this reference, are prohibited.
- C. License Application. The applicant shall completely fill out and submit an application form for a consumer fireworks license prepared by the City. Information to be submitted as a part of the license application includes, but is not necessarily limited to, the following information: name, address and telephone number of the applicant; address of location where the consumer fireworks will be sold; a description of the consumer fireworks to be sold; estimated quantity of consumer fireworks that will be stored on the premises; description of the premises and facility from which the consumer fireworks are to be sold, including a floor plan designating the area for storage or display; and approval from the property owner, if different from the applicant.

Prior to the issuance of a license, the City may conduct a criminal records check. The application shall include a certification by the applicant that the location where the consumer fireworks are to be stored or sold is not hazardous to property and does not endanger any person, and that the persons in charge of selling or storing the consumer

fireworks are competent and trained to handle such fireworks. Applications must be made a minimum of 10 days prior to operating.

- D. License and License Fee. Licenses shall be issued for a calendar year. Permit fees shall not be prorated. The annual license fee for a retail seller that is in the business of selling only consumer fireworks shall be \$350.00, and for all other retail sellers, \$100.00.
- E. Revocation of License. Following written notice and an opportunity for a hearing, the City Council may revoke a license for violation of this Section or state law concerning the sale, use, or possession of consumer fireworks. If a license is revoked, neither the applicant nor the licensed premises may obtain a license for at least 12 months.
- F. Terms and Conditions of License. A license to sell consumer fireworks shall be issued subject to the following conditions:
1. The license is non-transferable, either to a different person or location.
  2. The license must be publicly displayed on the licensed premises.
  3. Neither the applicant nor the responsible party for the license shall have been convicted of a felony, or a fire/fireworks-related crime of any kind within 3 years of the date of the filing of the application.
  4. The applicant shall procure and maintain a policy or policies of public general liability as specified in Section 401.01 Subd. 4.
  5. No display or sale of consumer fireworks shall violate the National Fire Protection Association Standard 1124 (2003 edition) (the "NFPA").
  6. Consumer fireworks storage or sales areas shall provide approved "no smoking" signs in red letters not less than two inches in height on white background. All signs shall be conspicuously posted at each entrance and shall be maintained in legible condition.
  7. Smoking shall be prohibited within 50 feet of any building, stand or non-permanent place of business in which consumer fireworks are sold at retail or stored.
  8. Each permit holder shall have not less than two water-type or equivalent extinguishers of not less than two and one-half gallon capacity.
  9. The premises must be in compliance with the State Building Code and State Fire Code. There shall be at least 2 exits from all buildings from which fireworks are manufactured, stored or sold.
  10. All facilities that obtain a permit shall post in a conspicuous location a list of all consumer fireworks displayed and stored on the property. The list shall document

the name, weight, and quantity of the consumer fireworks and be accompanied by the material safety data sheets. Upon request, samples of the consumer fireworks shall be made available to the City for testing.

11. No one under the age of 18 years of age may sell retail consumer fireworks.
12. Photo identification must be checked with each sale. Purchasers must be 18 years of age or older.
13. The sale of consumer fireworks shall occur only where permitted by the City's zoning ordinance and must comply with all zoning ordinance requirements including signs. No manufacturing, sales or storage of consumer fireworks shall occur on property zoned residential, and on property used for educational purposes.
14. The premises are subject to inspection by City employees, the Sheriff's office and fire and building officials during normal business hours.
15. Displays specifically permitted by State law shall be allowed so long as they otherwise comply with this Section.
16. The building, stand or other non-permanent place of business from which consumer fireworks are sold at retail or stored shall comply with all requirements found in Chapter 7 of the NFPA, as amended, which requirements are herein incorporated by reference.

**Subd. 4. Discharge Rules and Regulations.**

- A. It is unlawful to use, fire or discharge consumer fireworks along the route of and during any parade or at any place of public assembly, in any business zoning district and on any public property.
- B. It is unlawful at any time to throw or toss consumer fireworks at any person, animal, vehicle or other thing or object.
- C. Smoking shall be prohibited within 50 feet of any building, stand or other non-permanent place of business in which consumer fireworks are sold at retail or stored.
- D. The discharge of consumer fireworks shall be prohibited within 300 feet of any building, stand or other non-permanent place of business in which consumer fireworks are sold at retail or stored.
- E. Consumer fireworks may only be discharged in an area with a water source connected to a hose or other acceptable means of extinguishing a fire.
- F. The City may ban fireworks displays and the use of consumer fireworks if a drought is evident.

G. Juveniles under the age of 18 may not possess consumer fireworks unless under the direct supervision of a responsible adult.

**Subd. 5. Public Display.** The public display of fireworks shall require a permit issued by the Fire Chief in accordance with Minnesota Statute § 624.22.

## **SECTION 421.01. CABLE ORDINANCE.**

**Subd. 1. Findings and Intent.** The City finds that the delivery of Cable Service and related communications services may contribute significantly to the communication needs and desires of residents of the City, benefit local economic development, and improve public and municipal services. The City's intent in adopting this Cable Ordinance is to encourage further development of Cable Service and related communications services in the City, and to ensure that all Cable Service providers are subject to comparable obligations and burdens.

**Subd. 2. Short Title.** This Ordinance will be known and cited as the "Cable Ordinance."

**Subd. 3. Definitions.** For the purposes of this Cable Ordinance, the following terms, phrases, words, and their derivations have the meaning given herein. Unless otherwise provided herein, terms, phrases and words contained in this Cable Ordinance shall have the meaning ascribed in the Cable Act, 47 U.S.C. Sec. 521, *et. seq.*, or if not defined herein or in the Cable Act will have their normal and customary meaning. When not inconsistent with the context, words in the singular number include the plural number. The words "must" and "will" are always mandatory and not merely directory. The word "may" is directory and discretionary and not mandatory.

- A. "Basic Cable Service" has the meaning ascribed in Cable Act Section 522(3) and 543(b)(7).
- B. "Cable Communications System," "Cable System" or "System" has the meaning ascribed in Cable Act Section 522(7) and Minnesota Statutes § 238.02, Subd. 3.
- C. "Cable Programming Service" has the meaning ascribed in Cable Act Section 543(1)(2).
- D. "Cable Service" has the meaning ascribed in Cable Act Section 522(6).
- E. "Channel" has the meaning ascribed in Cable Act Section 522(4).
- F. "City" means the City of Delano, Minnesota, a municipal corporation, in the State of Minnesota.
- G. "Commission" means the Sherburne/Wright Counties Cable Communications Commission, a municipal joint powers entity consisting of the following municipalities: Big Lake, Buffalo, Cokato, Dassel, Delano, Elk River, Maple Lake, Monticello, Rockford and Watertown.