

Consumer Fireworks

IOWA STATE FIRE MARSHAL DIVISION

Consumer Fireworks – State Fire Marshal

- Order the suspension of the use of consumer fireworks, display fireworks, or novelties, as described in section 727.2, if the fire marshal determines the use of such devices would constitute a threat to public safety.
- Establish an annual consumer fireworks seller license.
 - Adopt rules consistent with this section establishing minimum requirements for a retailer or community group to be issued a consumer fireworks seller license.
 - Require any retailer or community group selling consumer fireworks adhere to NFPA Standard 1124, 2006 edition.
- Adopt rules to require all wholesalers to annually register.

Consumer Fireworks-Senate File 489

- Legalize the sale of first-class and second-class consumer fireworks
 - License retail and community groups to sell fireworks in IA.
 - Register consumer fireworks wholesalers distributing fireworks for sale in IA.
 - Retail sites conform to NFPA Standard 1124, 2006 edition.
 - Consumer fireworks conform to APA Standard 87-1, published December 2001.
- Links to NFPA 1124 and APA 87-1 on the Iowa State Fire Marshal Division website at:
www.dps.state.ia.us/fm/building/licensing/consumerfireworksindex.shtml
 - Free access to full NFPA standard requires account registration on their site.

Consumer Fireworks Sales - Selling Periods

- Retailer or community group in a permanent building
 - June 1 through July 8
 - December 10 through January 3
- Retailer or community group in a temporary structure
 - June 13 through July 8

Consumer Fireworks Sales – Consumer Use

- Consumer fireworks use periods per Senate File 489
 - June 1 through July 9 between the hours of 9 am and 10 pm
 - July 4 between the hours of 9 am and 11 pm
 - Between the hours of 9 am and 11 pm on the Saturday and Sunday immediately preceding and following July 4
 - December 10 through January 3 between the hours of 9 am and 10 pm
 - December 31 between the hours of 9 am and 12:30 am on January 1
 - Between the hours of 9 am and 11 pm on the Saturday and Sunday immediately preceding and following December 31
- Only use consumer fireworks on real property belonging to the individual or on the real property of a person who has consented to the use of consumer fireworks on that property.

Consumer Fireworks – First-Class Fireworks

- Aerial shell kits and reloadable tubes
- Chasers
- Helicopter and aerial spinners
- Firecrackers
- Mine and shell devices
- Missile-type rockets
- Roman candles
- Sky rockets and bottle rockets
- Multiple tube devices using items above manufactured in accordance with APA 87-1, section 3.5

Consumer Fireworks – Second-Class Fireworks

- Cone foundations
- Cylindrical fountains
- Flitter sparklers
- Ground and hand-held sparkling devices, including multiple tube ground and hand-held sparkling devices manufactured in accordance with APA 87-1, section 3.5
- Ground spinners
- Illuminating torches
- Toy smoke devices (not classified as novelties in APA 87-1, section 3.2)
- Wheels
- Wire or dipped sparklers (not classified as novelties in APA 87-1, section 3.2)

Consumer Fireworks – Retail Seller License

- For first-class (and second-class) consumer fireworks:
 - Retailer in a permanent building with 50% or more floor space devoted to fireworks, \$1,000 annual license fee.
 - Retailer in a temporary structure with 50% or more floor space devoted to fireworks, \$500 annual license fee.
 - Retailer in a temporary structure with less than 50% of floor space devoted to fireworks, \$400 annual license fee.
 - Community group in any building or structure, \$100 annual license fee.
- For second-class consumer fireworks ONLY:
 - Retailer or community group in any building or structure, \$100 annual fee.

Consumer Fireworks – Site Inspections

- Each retail site is required to obtain a license to sell first-class and/or second-class consumer fireworks.
- Prior to issuance of a retail seller license, each retail site will be inspected to ensure compliance with NFPA 1124:
 - Inspections may be completed by local jurisdictions (AHJ).
 - Local AHJ may charge an inspection fee directly to retail seller or community group.
 - Local AHJs may request State Fire Marshal Division complete site inspections on their behalf.
 - Where no local AHJ is available, the State Fire Marshal Division will complete the site inspection.

Consumer Fireworks – Wholesaler Registration

- Wholesaler is a person who engages in the business of selling or distributing consumer fireworks for the purpose of resale in Iowa.
 - Annual registration of \$1,000
- Registration may include inspection of storage facilities if they are located in Iowa.

Consumer Fireworks – Local Jurisdictions

- A board of supervisors may by ordinance or resolution prohibit or limit the use of consumer fireworks or display fireworks if such devices would constitute a threat to public safety or private property, or if the board determines the use of such devices would constitute a nuisance to neighboring landowners.
- A city council may by ordinance or resolution prohibit or limit the use of consumer fireworks, display fireworks, or novelties, as described in section 727.2.

Consumer Fireworks – Local Jurisdictions

- The board, upon application, may grant permits for the use of display fireworks as provided in section 727.2.
- The use of consumer fireworks or display fireworks, as defined in section 727.2, in state parks and preserves is prohibited except as authorized by a permit issued by the department.

Consumer Fireworks – Application Process

- Retailer or community group will submit an online application to the State Fire Marshal (SFM), including a site plan for the retail sales location.
- SFM staff will review the application and site plan and approve or recommend corrections to be made prior to on-site inspection.
- Retailer or community group will submit license fee and be provided a map listing the contact information of the site inspector in their area. (The inspector may be local jurisdiction or SFM staff.)

Consumer Fireworks – Inspection Process

- Retailer or community group will be responsible for contacting the site inspector and scheduling their on-site inspection.
- Site inspector will complete the online site inspection form. If the site passes inspection, the Consumer Fireworks Retail Seller License will be issued (via email) and the retailer or community group may begin selling consumer fireworks.

Questions