

Frequently asked Questions

How do I apply for a consumer fireworks license?

No paper applications will be accepted. All applications must be submitted online.

Go to the State Fire Marshal's consumer fireworks website:

<http://www.dps.state.ia.us/fm/building/licensing/consumerfireworksindex.shtml>

The first step is to submit the information for a user profile. The user profile must be added to the licensing system before the application form can be accessed. When you receive your login information email, and have set up your account password, fill out the form to add a new site for each retail site. Once your retail site has been created online, you will receive notification you are able to access and submit the license application. Complete the application, attach your site plans for that specific site, and the required certificate of insurance. The application process also includes a pre-site inspection certification list, which sets out requirements for the site that will be part of the inspection. The pre-site inspection certification list is optional. Even if it is completed, the State Fire Marshal may require that an inspection be completed before the license is issued. However, if the pre-site inspection certification list is submitted with the application, it will be considered in deciding whether a license can be issued before the inspection is done. The State Fire Marshal has sole discretion in determining whether a license will be issued conditioned upon a later inspection.

After I submit the application, site plan, self-certification checklist, and insurance certificate, what happens?

The site plan will be reviewed and you will be notified whether the plan meets requirements. If there is missing information or if the site plan is not in accordance with all of the requirements of NFPA 1124 (2006 edition), the applicant will be notified of the issues, asked to correct the plan, and re-submit it online

If the plan is in accordance with the requirements, and the application, insurance certificate, and any pre-site inspection certification list contain the required information, the applicant will be notified by email either 1) that a license will be issued subject to a later inspection, with the inspection date left blank, or, 2) that the next step is to schedule the inspection. The email will contain the contact information for the inspector assigned to do the inspection, whether it takes place before or after the license is issued. The decision whether to issue a license subject to later inspection is at the discretion of the State Fire Marshal.

Note: If the pre-site inspection certification list is not submitted with the application, the license will not be issued until the site passes the inspection. Again, submitting the pre-site inspection certification list does not guarantee that a license will be issued without an inspection.

What insurance is needed?

According to Iowa law, the licensee must provide proof of commercial general liability insurance of at least \$1,000,000 (one million dollars) and aggregate coverage of at least \$2,000,000 (two million dollars). The insurance certificate must be submitted with the application. The insurance certificate must be valid for the entire period for which the retail sales of consumer fireworks are allowed by law. For permanent buildings, the insurance must cover the selling periods of June 1-July 8 and December 10-January 3. For temporary structures, the insurance must cover the selling periods of June 13-July 8.

An actual certificate of insurance is required, and for the coverage and in the amounts required by law. Quotes or unsigned estimates or policies cannot be accepted. The licensee **must** be listed as the insured (and not only as the certificate holder).

The community group can either be listed on the retailer's insurance as an additional insured, or, the community group may choose to purchase its own insurance in the amounts required by law.

What are "limited quantity" licenses?

Under NFPA 1124, Chapter 7, Section 7.3.1 (2006 edition), fireworks that are sold in certain limited quantities are exempt from the requirements of Chapter 7 of NFPA 1124 (2006 edition). Those amounts are:

- For a permanent building that has a sprinkler system, then the maximum amount of fireworks on hand is 250 pounds net of pyrotechnic composition.
- For a permanent building that does not have a sprinkler system, then the maximum amount of fireworks on hand is 125 pounds net of pyrotechnic composition.

If the net weight of pyrotechnic composition is not stated on the product, the method to figure the net amount of pyrotechnic composition is to take the gross weight of the product (including packaging), and 25% of the gross weight is considered to be the net amount of pyrotechnic composition. So, if the gross weight of the fireworks is 1000 lbs., then the net amount of pyrotechnic composition is 250 lbs.

The sites which are licensed to sell limited quantities as described above do not require an inspection for licensing. However, inspectors may check the site to ensure compliance with the limited quantity license.

What happens in the inspection process?

All locations, except for exempt amount or "limited quantity" locations, must be inspected, either before or after the license is issued.

You must make arrangements for the inspector to conduct the inspection. The guideline in the rules is that an inspection will occur within 3 days of when the request is received by the inspector. It is possible, however, the inspection may be delayed if the demand for inspections outpaces the number of inspectors available. The inability to complete an inspection within 3 days does not create a requirement that a license will be issued without the inspection. That decision is within the discretion of the State Fire Marshal.

The inspector will notify the State Fire Marshal regarding whether a site has passed or not passed an inspection. If the site passes the inspection, the license will be issued, which will include the date the inspection was passed.

If the site does not pass the inspection, the inspector should identify the deficiencies. When you have corrected the deficiencies, you should contact an inspector to return for re-inspection.

Who does the inspections?

The staff of the State Fire Marshal's office, or persons specifically designated by the State Fire Marshal will conduct the inspections. The State Fire Marshal may designate one or more local officials to conduct the state licensing inspections. All inspections will be conducted in accordance with NFPA 1124 and will use the pre-site inspection certification list filled out by the licensee, if any.

How many times can the site be inspected?

The inspectors plan to get to every site for an inspection. More than one inspection may occur if the site is not in accordance with NFPA 1124, or if there are concerns.

Is there a fee for the site inspection?

No. The cost of all inspections is included in the fee paid for the license.

My license has been issued—are there any other requirements?

Once the license is issued, you are required to "clearly display" the license at the location where the consumer fireworks are being sold. Each license is specific to the site and the licensee.

Licenses are not transferable. The licensee must be the person or entity which is actually selling consumer fireworks. If the licensee has employed another entity such as a community group to sell consumer fireworks for a share of the profits, then either 1) the licensee or the licensee's designee must be personally present at all times that consumer fireworks are being sold by the community group, or 2) both the licensee and community group must be licensed, and both licenses must be displayed at the site.

The issuance of a license for the retail sales of consumer fireworks means that based on the information provided, the site has met the requirements of state law. If a license is issued subject to a later inspection, and the site does not pass the inspection, the site must be brought into compliance with NFPA 1124. Otherwise, action will be taken to revoke the license.

What are the dates for sale of consumer fireworks?

Permanent Building: June 1 – July 8 and December 10 – January 3

Temporary Structure: June 13 – July 8

What are the fees for a consumer fireworks license?

A non-refundable administrative fee of \$100 is due immediately upon submittal of your new or renewal license application. Once that fee has been paid, your application will be placed in the queue to be reviewed. Applications are reviewed in the order they are placed in the queue.

For retailers:

Permanent Building

- 50% or more of floor space for first-class consumer fireworks = \$1,000

Temporary Structure

- 50% or more of retail floor space for first-class consumer fireworks = \$400

Retailer

- Less than 50% of retail floor space for first-class consumer fireworks = \$400
- Sale of second-class consumer fireworks = \$100

Community Group

- Sale of first-class consumer fireworks = \$400

What are the requirements for wholesalers?

For wholesalers:

- Liability insurance coverage of at least \$1 million and aggregate coverage of at least \$2 million and licensee listed as insured (not certificate holder).
- \$1,000 fee

Note: Wholesalers can only sell to licensed retailers. Wholesalers do not sell directly to the public. Only retailers can sell directly to the public.

Can I sell consumer fireworks at multiple locations?

Yes, but each location must be licensed separately. This is true even if you are the sole owner of multiple locations. The license is specific to a location, and must be clearly displayed at that location.

What are consumer fireworks?

First-Class Consumer Fireworks

1. Aerial shell kits and reloadable tubes.
2. Chasers.
3. Helicopter and aerial spinners.
4. Firecrackers.
5. Mine and shell devices.
6. Missile-type rockets.
7. Roman candles.
8. Sky rockets and bottle rockets.

Second-Class Consumer Fireworks

1. Cone fountains.
2. Cylindrical fountains.
3. Flitter sparklers.
4. Ground and hand-held sparkling devices, including multiple tube ground and hand-held sparkling devices that are manufactured in accordance with APA 87-1, section 3.5.
5. Ground spinners.
6. Illuminating torches.
7. Toy smoke devices that are not classified as novelties pursuant to APA 87-1, section 3.2.
8. Wheels.
9. Wire or dipped sparklers that are not classified as novelties

What are display fireworks?

“Display fireworks” includes any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes fireworks containing any explosive or flammable compound, or other device containing any explosive substance.

“Display fireworks” does not include novelties or consumer fireworks enumerated in chapter 3 of the American pyrotechnics association’s standard 87-1.

Display fireworks are legal, but they can only be sold with a license issued by the Bureau of Alcohol, Tobacco, and Firearms (ATF) to persons who have a license or permit issued by ATF. A permit or license issued by ATF is required to purchase or explode display fireworks. These are the big displays that are done by professionals who have special training.

A license for the retail sales of consumer fireworks does not authorize the sale of display fireworks to the public.

What are novelties?

“Novelties” includes all novelties enumerated in chapter 3 of the American pyrotechnics association’s standard 87-1, and that comply with the labeling regulations promulgated by the United States consumer product safety commission.

Are there any fireworks that are illegal?

There are some types of explosives which are not sold by retailers, and which are illegal to possess without a license issued by the ATF. These are NOT consumer fireworks, although they may be intentionally mislabeled as consumer fireworks.

Illegal explosives include:

- M-80s
- M-100s
- Silver Salutes
- Quarter sticks

These are extremely dangerous explosives that can maim or kill.

They are not sold by responsible licensed retailers, but are often sold by unlicensed persons from their car or from an unlicensed temporary site. Please immediately notify local law enforcement if you see illegal explosives being sold.

Can minors have access to consumer fireworks?

Generally, sale or transfer to a minor (under age 18) is prohibited EXCEPT when a minor is employed and supervised by a retailer who is selling consumer fireworks. Minors who are involved in consumer fireworks sales by a community group must be directly supervised by an adult member of the community group.

Can someone who is intoxicated buy consumer fireworks?

No. Under Iowa law, a person shall not knowingly sell consumer fireworks to a person who is obviously under the influence of alcohol or drugs.

Who can report violations of the consumer fireworks law?

Anyone can make a report to law enforcement or fire department officials. It is a simple misdemeanor to sell consumer fireworks:

- without a license,
- if a valid license is not “clearly displayed” at the location,

- without compliance with the safety rules regarding the setup of the location,
- on dates other than authorized by law.

If I see a violation, what should I do?

If possible, take a photograph of the location that illustrates the violation. Provide all information to the local law enforcement agency or the local fire department, or notify the State Fire Marshal's office at sfmfireworks@dps.state.ia.us or call (515) 725-6145.

Who can conduct an investigation of a possible violation of the consumer fireworks law?

The State Fire Marshal, any paid or volunteer member of a fire department, or any peace officer has authority to investigate a violation of the consumer fireworks law.

What happens if there is a violation of the consumer fireworks law?

The license to sell consumer fireworks can be revoked, after an investigation and an administrative process. The reported violation will be investigated (by state or local officials). When an investigation is completed, the State Fire Marshal will review the facts and has the authority to issue a Notice to Show Cause. An administrative hearing will be held, and if the licensee is found to be in violation, the State Fire Marshal will revoke the license. If the licensee does not agree with the decision, the licensee can appeal. If the license to sell is ultimately revoked, a license cannot be issued to that person for one year, if it is established that the ~~person~~ licensee had actual knowledge of the violation.

What role does the Fire Marshal play in the fireworks program?

The Fire Marshal is responsible for the online licensing program, coordinates inspections, and can investigate violations to determine whether a license should be revoked. Sworn officers of the State Fire Marshal's office, along with local law enforcement officers, can also write citations for criminal violations of the law.

How many other states allow the sale of consumer fireworks?

The District of Columbia and 43 other states have legalized the sale of consumer fireworks.